



Board Meeting Packet
February 15, 2024

**BIG SUR CHARTER SCHOOL
REGULAR SCHOOL BOARD MEETING MINUTES**

January 18, 2024 at 4:30 PM

Big Sur Charter School, 304 Foam St, Monterey CA, 93940

Individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the School Director or designee at least two days before the meeting. The meeting may be attended virtually using the following Zoom link: <https://bigsurcharterschool-org.zoom.us/j/85963352790?pwd=eWJoOWFCb1FFaWI2MzVZRHh5YXFtOT09>

1) **OPENING BUSINESS**

- a) Call to Order: 4:36 PM
- b) Roll Call: Present - Chad Bollmann, Suzy Graybill, Chantel Kjellgren, Jennifer Ross. Potential Board Member - Nathan Nunez (second meeting attended)
- c) Action to Add New Items Since Posting of Agenda (2/3 Majority)
- d) Adoption of Agenda
 - Motion: Jennifer Ross Second: Chad Bollmann
 - All in favor: Unanimous Opposed: None

2) **RECOGNITIONS: *STUDENTS, INDIVIDUALS AND/OR ORGANIZATIONS FOR SIGNIFICANT CONTRIBUTIONS MADE TO THE SCHOOL.***

3) **COMMUNICATIONS**

- a) Written Communication
 - i) None received
- b) Board Member Comments
 - i) None
- c) Director’s Report
 - i) Sewer lines have been backing up. Hydrojet’d on Monday and performance has improved so far.
 - ii) Financial
 - Pebble Beach Foundation report submitted
 - Chapman report submitted
 - Grants will be submitted next week by the Director
 - Funding determination due next month; this justifies our budget and funding percentage (typically 100% because we have classrooms, etc).
 - iii) California Budget Deficit will impact next year’s budget. COLA reduction is planned. Potential across-the-board school funding level cuts
 - iv) Enrollment: 88 overall
 - (1) Remaining 5th graders withdrew.
 - (2) The teacher will likely be used to help elsewhere on campus.
 - v) Considering physical education pilot program (yoga)
 - (1) Leverages former community partner for yoga
 - vi) Tutoring
 - (1) Director has followed up with parents using tutoring. Verbal reports indicate tutoring has been effective. About 10 students are currently using the service.
 - (2) Director will consider continuing the program next year even without state funding.
 - (3) Next round of standardized testing (next two weeks) will enable

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vii) Dimensions Math Check-In

- (1) Director has been monitoring curricular progress. Teachers on track. Teacher guides (not just math) have been made available to all parents this year (except for K math).
- (2) Some work has not been returned home (in class and homeschool) because of audit requirements.
- (3) Parents continue to be concerned about overall math progress and program delivery.
- (4) Chantel mentioned that a recent math conference showcased brand-new math programs that may be suitable for BSCS. Chantel will dive deeper into the program and discuss with the Director.
- (5) Director noted that Dimensions is an expensive math curriculum. Math sent home for work is “practice” work and is intended to cover more of Common Core standards (all of which cannot be covered in any given year).

viii) Outreach Discussion (continued)

- (1) Topics: How do we better advertise the school (engage main student groups), idea of testimonial videos, blog posts, etc. Nathan and Suzy will further pursue.
- (2) Unsure of BSCS awareness and continuity among military liaisons.
- (3) Likely benefit from targeting homeschool as well as military communities separately

d) BSCS Staff Comments (Non-Agenda Items)

- i) None present.

4) HEARING SESSION

Citizens may address the board about subjects not listed on the agenda. Speakers addressing the board are limited to three (3) minutes with a maximum of twelve (12) minutes per topic. Any member of the public who utilizes a translator will receive six (6) minutes with a maximum of twenty-four (24) minutes per topic. This ensures that non-English speakers receive the same opportunity to address the board as English speakers. Comments will be heard with no action taken.

5) CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine and/or may have been discussed at a previous Board meeting. There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Agenda. Each item on the Consent Agenda and approved by the Board Members shall be deemed to have been considered in full and/or adopted as recommended.

1. Approve Board Meeting Minutes from December 14, 2023

Recommendation: (Aimee Alling, Director) The Administration recommends approval of the minutes as presented.

2. Approve Bank Statement:

1st Capital Bank Statement December 29, 2023

Recommendation: (Aimee Alling, Director) I certify that I have reviewed the attached statement for consistency with the School’s budget, and purchasing and accounting practices and therefore, recommend Board approval.

**BIG SUR CHARTER SCHOOL
REGULAR SCHOOL BOARD MEETING MINUTES**

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3. Approve Credit Card Statements:

US Bank Statement December 22, 2023

Wells Fargo Statement January 4, 2024

Recommendation: (Aimee Alling, Director) I certify that I have reviewed the attached statement for consistency with the School's budget, and purchasing and accounting practices and therefore, recommend Board approval.

4. Board Report of Warrants:

Warrants from December 9, 2023 - January 12, 2024

Recommendations: (Aimee Alling, Director) I certify that I have reviewed the attached warrants for consistency with the School's budget, and purchasing and accounting practices and therefore, recommend Board approval.

Motion to approve the Consent Agenda: Chad Bollmann

Second: Chantel Kjellgren

All in favor: Unanimous

Opposed: None

6) ACTION/DISCUSSION

a) Review & Approve SARC

Board Action: Review and approve

Motion to adopt: Chantel Kjellgren

All in favor: Unanimous

Second: Suzy Graybill

Opposed: None

b) Approve 2024 Employee Handbook

Board Action: Review and approve

Motion to adopt: Jennifer Ross

All in favor: Unanimous

Second: Suzy Graybill

Opposed: None

7) INFORMATION/DISCUSSION

a) Review Fiscal Policies & Procedures

https://docs.google.com/document/d/18vxQBxVdIukJ1XD_R5vWPyM8bz4ZXRXAtIVn5YwRqQ4/edit

Board Action: Reviewed and discussed. Schedule for approval at the next meeting.

b) Review Fundraising Plan

Board Action: Discussed fundraising intentions through the end of the year. The plan requires updating.

c) Review Board Policies Board Policies

Board Action: Discussed new folder organization of Board drive and location of policies.

d) Review Board Manual 2023 Final BSCS Board Manual.docx

Board Action: Tasked to board for review at the next meeting.

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e) Budget vs Actuals

Board Action: Board reviewed; all questions answered.

f) Review Bylaws

Board Action: Table for next meeting.

g) Review budget priorities for upcoming year

Board Action: Discussion only. Director recommends acquiring bids for building improvements; this has been deferred for many years. Potential improvements include floor (laminated), fresh paint, and window treatments. Recommended Director engage with Secretary for bid assistance.

h) Review/Approve Pay Adjustments

Board Action: Tabled for next meeting; Director must discuss with Cindy. Considering adjustments for aides for statewide minimum wage adjustments. Other adjustments will be considered after approval of Second Interim adjustment.

i) Review and Discuss next two months of Board Calendar

Board Action: Discussed.

8) ADJOURNMENT

Time Adjourned: 6:16 PM

Items for next meeting:

February

- Set Enrollment Cap (proposed by Director)
- Review & Adopt Safety Plan
- Discuss intended Statement of Information (on even years)
- Budget vs Actuals
- Request Letter of Engagement from Auditors (Director)
- Closed Session (Personnel Matters)

March

- Approve updated Policies
- Review & Adopt 2nd Interim Budget (Due March 15th)
- Review Board Composition & Terms
- Approve Academic Calendar
- Review Personnel Needs (Director)
- Send Employment satisfaction Survey
- Discuss need and location of Form 700 (due in April)
- File Statement of Information (even years only)
- Approve Auditor Selection
- Budget vs Actuals
- Review employment satisfaction survey
- Approve Auditor Selection

1ST CAPITAL BANK

P.O. BOX 811
Salinas, CA 93902

RETURN SERVICE REQUESTED






BIG SUR CHARTER SCHOOL
304 FOAM ST
MONTEREY CA 93940-1408

Statement Ending 01/31/2024

BIG SUR CHARTER SCHOOL
Account Number: XXXXXX0996

Page 1 of 4

Managing Your Accounts

	Branch Name	Monterey
	Branch Phone Number	(831) 264-4070
	Customer Service	(831) 264-4000
	Mailing Address	P.O. BOX 811 Salinas, CA 93902
	Online Banking	1stcapital.bank

Summary of Accounts

Account Type	Account Number	Ending Balance
NON PROFIT BUSINESS CHECKING	XXXXXX0996	\$5,192.97

NON PROFIT BUSINESS CHECKING-XXXXXX0996

Account Summary

Date	Description	Amount
12/30/2023	Beginning Balance	\$5,442.97
	0 Credit(s) This Period	\$0.00
	2 Debit(s) This Period	\$250.00
01/31/2024	Ending Balance	\$5,192.97

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount
1016	01/10/2024	\$50.00	1018*	01/10/2024	\$200.00

* Indicates skipped check number

Daily Balances

Date	Amount
01/10/2024	\$5,192.97

Overdraft and Returned Item Fees

	Total for this period	Total year-to-date	Previous year-to-date
Total Overdraft Fees	\$0.00	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00	\$0.00



The Following Disclosures Apply to Your 1st Capital Bank Account

If there are any discrepancies between your records and this statement, please notify your branch immediately. If no errors are brought to our attention within 30 days, the account will be considered correct. All items are credited subject to final payment.



IMMEDIATELY REPORT THE LOSS OR THEFT OF ANY CHECKS, DEBIT CARD OR PIN ISSUED FOR THIS ACCOUNT. CALL US AT (831) 264-4000.

In Case of Errors or Questions About Your Electronic Transfers

(APPLIES ONLY TO CONSUMER ACCOUNTS)

Telephone us at (831) 264 4000 or Write us at 1st Capital Bank, P.O.BOX 811, Salinas, CA 93902 as soon as you can, if you think your statement is wrong or if you need more information about a transfer on the statement. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem occurred.

- (1) Tell us your name and account number.
- (2) Describe the error or the transfer you are unsure about and explain as clearly as you can why you believe it is in error or why you need more information.
- (3) Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it takes us to complete our investigation. For new accounts, we may take up to 20 business days to credit your account for the amount you think is in error.

Reporting other problems

You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you and you agree to not make a claim against us, for the problems or unauthorized transactions.

Direct Deposits

If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us to find out if the deposit was made as scheduled. You may also review your activity online or visit a branch for more information.

Terms and Conditions of Your Account

When you opened your account, you received the Terms and Conditions of Your Account document along with a fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the Terms and Conditions of Your Account and fee schedule may be obtained at one of our branches.

Check 21 Notification

If you request the return of your original checks you may receive a "Substitute Check" in response. The Substitute Check is the legal equivalent of an original check and you have the rights that apply when you believe in good faith, that a Substitute Check was not properly charged to your account. Contact your branch or call the number on the front of this statement to request a Check 21 disclosure.

1ST CAPITAL BANK

Statement Ending 01/31/2024

BIG SUR CHARTER SCHOOL

Page 3 of 4

Account Number: XXXXXX0996

BIG SUR CHARTER SCHOOL 90-44011211 1016
254 TOMAR ST
MONTEREY, CA 93940
DATE 7/16/23
CASH TO THE ORDER OF Carmel Valley Rec Park \$ 50.00
Fifty & no/100
1ST CAPITAL BANK
200 BRIDGE ST. MONTEREY, CA 93940
90-44011211

#1016 01/10/2024 \$50.00

2 98455010 10 2024 933
10-2024 000560.3
MONTEREY COUNTY TREASURER

BIG SUR CHARTER SCHOOL 90-44011211 1018
254 TOMAR ST
MONTEREY, CA 93940
DATE 12/18/23
CASH TO THE ORDER OF Carmel Valley Rec Park \$ 200.00
two hundred & no/100
1ST CAPITAL BANK
200 BRIDGE ST. MONTEREY, CA 93940
90-44011211

#1018 01/10/2024 \$200.00

2 98455010 10 2024 933
10-2024 000560.3
MONTEREY COUNTY TREASURER

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P.O. BOX 6343
FARGO ND 58125-6343



ACCOUNT NUMBER [REDACTED] 7669
STATEMENT DATE 01-22-2024
AMOUNT DUE \$291.27
NEW BALANCE \$291.27
PAYMENT DUE ON RECEIPT



BIG SUR CHARTER SCHOOL
ATTN CHRISTIN LOPEZ
304 FOAM ST
MONTEREY CA 93940-1408

AMOUNT ENCLOSED
\$

Please make check payable to "U S Bank"

U.S. BANK CORPORATE PAYMENT SYSTEMS
P.O. BOX 790428
ST. LOUIS, MO 63179-0428

Please tear payment coupon at perforation.

CORPORATE ACCOUNT SUMMARY

BIG SUR CHARTER SCHO 4246 0445 5575 7669	Previous Balance	Purchases And Other + Charges	Cash Advances +	Cash Advance Fees +	Late Payment Charges	Credits	Payments	New = Balance
Company Total	\$3 479.47	\$291.27	\$0.00	\$0.00	\$0.00	\$0.00	\$3 479.47	\$291.27

CORPORATE ACCOUNT ACTIVITY

BIG SUR CHARTER SCHOOL [REDACTED]-7669				TOTAL CORPORATE ACTIVITY \$3,479.47 CR
Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-22	01-20	7479826402200000000163	PAYMENT - THANK YOU 00000 C	3,479.47 PY

NEW ACTIVITY

CHRISTIN LOPEZ [REDACTED]-7927		CREDITS \$0.00	PURCHASES \$46.88	CASH ADV \$0.00	TOTAL ACTIVITY \$46.88
Post Date	Tran Date	Reference Number	Transaction Description	Amount	
01-10	01-09	24137464010000983414238	USPS PO 0557420310 PACIFIC GROVE CA	8.50	
01-10	01-08	24231684009837001718491	SAFEWAY #0761 PACIFIC GROVE CA	21.46	
01-10	01-09	24943004010838007123931	RITE AID 05883 PACIFIC GROVE CA	16.92	

CUSTOMER SERVICE CALL

800-344-5696

ACCOUNT NUMBER

4246-0445-5575-7669

ACCOUNT SUMMARY

PREVIOUS BALANCE	3,479.47
PURCHASES & OTHER CHARGES	291.27
CASH ADVANCES	.00
CASH ADVANCE FEES	.00
LATE PAYMENT CHARGES	.00
CREDITS	.00
PAYMENTS	3,479.47
ACCOUNT BALANCE	291.27

STATEMENT DATE 01/22/24
DISPUTED AMOUNT .00

AMOUNT DUE

291.27

SEND BILLING INQUIRIES TO:

U.S. Bank Nat onal Assoc at on

C/O U.S. Bancorp Purchasing Card Program
P.O. Box 6335
Fargo, ND 58125-6335



Company Name: BIG SUR CHARTER SCHOOL
Corporate Account Number: [REDACTED] 7669
Statement Date: 01-22-2024

NEW ACTIVITY

AIMEE ALLING [REDACTED]-7891	CREDITS \$0.00	PURCHASES \$244.39	CASH ADV \$0.00	TOTAL ACTIVITY \$244.39
--	--------------------------	------------------------------	---------------------------	-----------------------------------

Post Date	Tran Date	Reference Number	Transaction Description	Amount
01-10	01-09	24011344009000050088004	ZOOM.US 888-799-9666 WWW.ZOOM.US CA	15.29
01-16	01-15	24692164015104147426878	AMZN MKTP US*RT3893SG2 AMZN.COM/BILL WA	37.47
01-18	01-17	24692164017105403182038	AMZN MKTP US*R86D66C82 AMZN.COM/BILL WA	7.64
01-19	01-18	24692164018106554610719	AMZN MKTP US*R81C91JB2 AMZN.COM/BILL WA	10.91
01-19	01-19	24692164019106887505650	AMZN MKTP US*R80746FJ1 AMZN.COM/BILL WA	24.02
01-19	01-19	24692164019106889392388	AMZN MKTP US*R89NM9FJ1 AMZN.COM/BILL WA	20.74
01-22	01-18	24231684019837000756227	ANDRONICO S 0173 MONTEREY CA	6.00
01-22	01-19	24692164019106974119894	AMZN MKTP US*R84UW44W1 AMZN.COM/BILL WA	122.32

Department: 00000 Tota :	\$291.27
D v s on: 00000 Tota :	\$291.27



Prepared For	BIG SUR CHARTER SCHOOL CHRISTIN LOPEZ
Account Number	██████████ 5589
Statement Closing Date	02/02/24
Days in Billing Cycle	30
Next Statement Date	03/03/24

For Customer Service Call:
800-225-5935

Inquiries or Questions:
Wells Fargo SBL PO Box 29482
Phoenix, AZ 85038-8650

Credit Line	\$2,000
Available Credit	\$1,970

Payments:
Payment Remittance Center PO Box 77033
Minneapolis, MN 55480-7733

Payment Information

New Balance	\$29.99
Current Payment Due (Minimum Payment)	\$25.00
Current Payment Due Date	02/28/24

If you wish to pay off your balance in full: The balance noted on your statement is not the payoff amount. Please call 800-225-5935 for payoff information.

Account Summary

Previous Balance		\$29.99
Credits	-	\$0.00
Payments	-	\$29.99
Purchases & Other Charges	+	\$29.99
Cash Advances	+	\$0.00
Finance Charges	+	\$0.00
New Balance	=	\$29.99

Rate Information

Your rate may vary according to the terms of your agreement.

TYPE OF BALANCE	ANNUAL INTEREST RATE	DAILY FINANCE CHARGE RATE	AVERAGE DAILY BALANCE	PERIODIC FINANCE CHARGES	TRANSACTION FINANCE CHARGES	TOTAL FINANCE CHARGES
PURCHASES	18.400%	05041%	\$0.00	\$0.00	\$0.00	\$0.00
CASH ADVANCES	27.240%	07463%	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL				\$0.00	\$0.00	\$0.00

Important Information

TOTAL *FINANCE CHARGE* BILLED IN 2023 \$1.00

TOTAL *FINANCE CHARGE* PAID IN 2023 \$1.00

Transaction Details

Trans	Post	Reference Number	Description	Credits	Charges
01/17	01/17	8558668D126RZB26K	PAYMENT THANK YOU	29.99	
02/02	02/02	5543286DH5X289PSL	SIMPLISAFE 888-957-4675 MA		29.99

See reverse side for important information

5596 YTG 1 7 2 240202 0 PAGE 1 of 4 1 0 8891 0300 BXSX 01DQ5596

----- DETACH HERE -----

Detach and mail with check payable to "Wells Fargo" to arrive by Current Payment Due Date

Make checks payable to: Wells Fargo

Account Number	██████████ 5589
New Balance	\$29.99
Total Amount Due (Minimum Payment)	\$25.00
Current Payment Due Date	02/28/24



Amount Enclosed: \$

PAYMENT REMITTANCE CENTER YTG
PO BOX 77033 8
MINNEAPOLIS MN 55480-7733

BIG SUR CHARTER SCHOOL
CHRISTIN LOPEZ
304 FOAM ST
MONTEREY CA 93940-1408

If your card is ever lost or stolen

Please notify us immediately by calling: **1-800-225-5935**.

Questions about your statement

If you have a question about your statement, please write to us within 30 days after the statement was mailed to you. Please use a separate letter and include your account number and the date of the statement in question. Please refer to the front of the statement for our Inquiry mailing address.

For all your personal or business financial service needs, visit us at [wellsfargo.com](https://www.wellsfargo.com)

Important payment information

Payments made at a Wells Fargo branch

You may use cash or checks when making payments at a Wells Fargo branch.

Payments by mail

Mail your check and the payment coupon to the Payment Remittance Center address printed on this statement. For fastest delivery, please use the enclosed window envelope. If using a single check to pay multiple accounts, we must receive a completed payment coupon for each account being paid or a list showing the full account number and amount to be credited to each account. If you are paying multiple accounts with a single check, the total of the check must equal the sum of the payments to be applied to each individual account, with at least the total minimum payment due for all accounts.

Payments by phone

If you are authorized to transact on the account, you may be able to initiate a payment by calling the Customer Service number listed on the front of this statement.

Payments made using Wells Fargo Online Banking or Wells Fargo Mobile

If you have access to the account via Wells Fargo Online Banking or Mobile you may be able to make a payment depending on your level of access.

Automatic Payments

You can establish automatic payments to this credit account from a Wells Fargo deposit account or any other financial institution. For enrollment information, please contact our Customer Service number listed on the front of this statement.

Timing of payment by mail or payments made at a Wells Fargo branch

Payments that are received at the designated payment processing address (printed on each statement) by 5:00 p.m. on any business day will be credited as of the day of receipt. Payments received after 5:00 p.m. or on non-business days may be credited as of the next business day.

When a payment is considered late

If your payment is received or initiated any time after the Due Date, it is considered late and your account will be subject to a late fee.

Promotional rates

All promotional rates are subject to early termination if there are late payments or other defaults. Please see sections "Default" and "Remedies" in your Cardholder Agreement.

Managing your account

To manage your account, including card payments, alerts and change of address, visit [wellsfargo.com](https://www.wellsfargo.com) or call the customer service number which appears on your account statement.

Get statements online securely and conveniently

Make managing your business credit card
account easier



Stay secure

Protect your private
information to help
avoid loss or theft



Save time

View statements
online anytime
without waiting for
the mail



Stay on top of payments

Get email notifications
as soon as your
statements are ready

Go paperless in 3 quick steps

1. Visit wellsfargo.com/statements or scan the QR code, and log into secure online banking.
2. Access **Manage Delivery Preferences**
3. Choose **Online Statements**¹



1. Online Statements require Adobe® Acrobat® PDF reader. For credit card accounts, Online Statements are available to view and download for up to two years. Availability may be affected by your mobile carrier's coverage area. Your mobile carrier's message and data rates may apply.

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Checks Dated 01/13/2024 through 02/09/2024 **Board Meeting Date February 15, 2024**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
12813096	01/23/2024	AT&T Mobility	62-5900		183.04
12813097	01/23/2024	California American Water	62-5500		46.88
12813098	01/23/2024	California American Water	62-5500		158.74
12813099	01/23/2024	Comcast	62-5900		277.27
12813100	01/23/2024	Gerda Marotta	62-5600		8,244.44
12813101	01/23/2024	US Bank Corporate Payment System	62-4300	267.48	
			62-5900	23.79	291.27
12815075	02/01/2024	Spirit Nest Creations LLC	62-5800		400.00
12815076	02/01/2024	Henry, Wyatt E	62-4300	37.90	
			62-5200	487.28	525.18
12815077	02/01/2024	Central Coast Language and Learning Center	62-5800		1,935.00
12815078	02/01/2024	Comcast	62-5900		255.99
12815079	02/01/2024	TinyEYE Tech Corp	62-5800		429.80
12816494	02/08/2024	AT&T Mobility	62-5900		54.72
12816495	02/08/2024	CharterSafe	62-5450		1,863.00
12816496	02/08/2024	Crystal Springs Water Co.	62-5500		77.25
12816497	02/08/2024	EDUK8	62-5800		1,530.00
12816498	02/08/2024	YOUNG, MINNEY & CORR, LLP	62-5800		130.00
12816499	02/08/2024	Monterey One Water	62-5500		149.28
12816500	02/08/2024	PG&E	62-5500		517.54
12816501	02/08/2024	RBM Janitorial Service, Inc.	62-5500		680.00
12816502	02/08/2024	Sonoma County Office of Ed No Coast School of Ed	62-5800		3,500.00
12816503	02/08/2024	STAPLES ADVANTAGE	62-4300		165.01
12816504	02/08/2024	Tucci Learning Services, Inc	62-5800		1,856.25
12816505	02/08/2024	Wells Fargo	62-5500		29.99
Total Number of Checks			23		23,300.65

Fund Recap

Fund	Description	Check Count	Expensed Amount
62	Charter School Enterprise	23	23,300.65
	Total Number of Checks	23	23,300.65
	Less Unpaid Tax Liability		.00
	Net (Check Amount)		23,300.65

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.  Page 1 of 1

Comprehensive School Safety Plan

**2023-2024
School Year**

School: Big Sur Charter School
CDS Code: 27751500118349
District: Big Sur Charter School
Address: 304 Foam Street
Monterey, CA 93940
Date of Adoption: 3/1/2013
Date of Update: 2/2024
Date of Review:
- with Staff 8/2024
- with Law Enforcement 2/2023
- with Fire Authority

Approved by:

Name	Title	Signature	Date
Aimee Alling	Director		

Table of Contents

Comprehensive School Safety Plan Purpose.....	4
Safety Plan Vision.....	4
Components of the Comprehensive School Safety Plan (EC 32281).....	5
(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166).....	6
(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100).....	7
(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines.....	7
(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079).....	18
(E) Sexual Harassment Policies (EC 212.6 [b]).....	19
(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183).....	20
(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2).....	20
(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2).....	20
(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5).....	21
(K) Hate Crime Reporting Procedures and Policies.....	23
(J) Procedures to Prepare for Active Shooters.....	26
Procedures for Preventing Acts of Bullying and Cyber-bullying.....	27
Opioid Prevention and Life-Saving Response Procedures.....	28
Safety Plan Review, Evaluation and Amendment Procedures.....	29
Safety Plan Appendices.....	30
Emergency Contact Numbers.....	31
Safety Plan Review, Evaluation and Amendment Procedures.....	32
Incident Command Team Responsibilities.....	33
Emergency Response Guidelines.....	34
Step One: Identify the Type of Emergency.....	34
Step Two: Identify the Level of Emergency.....	34
Step Three: Determine the Immediate Response Action.....	34
Step Four: Communicate the Appropriate Response Action.....	36
Animal Disturbance.....	36
Biological or Chemical Release.....	36

Bomb Threat/ Threat Of violence37

Disorderly Conduct38

Earthquake39

Explosion or Risk Of Explosion39

Fire in Surrounding Area40

Fire on School Grounds41

Flooding42

Loss or Failure Of Utilities42

Motor Vehicle Crash42

Psychological Trauma.....42

Suspected Contamination of Food or Water42

Tactical Responses to Criminal Incidents43

Unlawful Demonstration or Walkout.....43

Emergency Evacuation Map.....45

Comprehensive School Safety Plan Purpose

Effective January 1, 2019, Assembly Bill 1747 (Rodriguez), School Safety Plans, became law. This bill requires that during the writing and development of the comprehensive school safety plan (CSSP), the school site council or safety committee consult with a fire department and other first responder entities in addition to currently required entities. It requires the CSSP and any updates made to the plan to be shared with the law enforcement agency, the fire department, and the other first responder entities.

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

Assessment of school crime committed on school campuses and at school-related functions

- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

A copy of the Comprehensive School Safety Plan is available for review at 300 Foam St, Ste C Monterey, CA 93940.

Safety Plan Vision

Big Sur Charter School is committed to creating a safe and healthy environment that is conducive to learning.

Components of the Comprehensive School Safety Plan (EC 32281)

Big Sur Charter School Safety Committee

The Big Sur Charter School facilitates a school safety committee that meets to determine safety needs and problem solve regarding safety incidents. This team is composed of parents, administrative staff and teachers.

Assessment of School Safety

Big Sur Charter School continually assess the safety of school facilities to support a safe and orderly environment for students. The assessment of safety includes: annual facilities inventory, recommendations by staff and parents, review of data regarding accidents, disciplinary incidents, and response to emergencies.

Annual safety trainings for staff and students provide opportunity to assess protocols and needs. Safety assessment is ongoing and grounded in situation.

Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)1, items A-J)

Big Sur Charter School follows both School and Board Policies to support: Child Abuse Reporting, implementation of emergency procedures, suspension and expulsion procedures for students, teacher notification regarding dangerous pupils, sexual harassment identification and reporting, dress code procedures, safe ingress and egress of students, maintenance of a safe and orderly school environment, student discipline rules and consequences, and implications regarding hate crimes.

Big Sur Charter School implements processes such as Positive Behavior Intervention Supports and Restorative Justice to approach student behavior in a positive manner with a focus on self regulation. Safety trainings occur annually for staff and students and mandated trainings are sponsored for all staff regarding mandated reporting and harassment and discrimination. School safety plans are approved according to California Education Code, and law enforcement and fire officials were consulted for advisement on the initial plan. BSCS continually assesses the safety of staff and students and modifies processes as needed. Through use of surveys administered to staff, students, and parents; input is solicited from stakeholders to ensure perceptions of safety needs. Facilities conducts annual safety inspections and the school ensures all devices and safety procedures are up to date. Board policies are updated as per California Education Code changes.

(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)

California Penal Code section 11166 requires any child care custodian who has knowledge of or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

BSCS provides annual training on the mandated reporting requirements, using an online training platform provided by CharterSafe, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine. All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee's employment. Training of mandated reporters includes identification and mandated reporting of child abuse and neglect, guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as abuse.

Reporting Suspected Child Abuse must obey the following procedures and protocols:

- Mandated reporter shall make a report if they know or reasonably suspect student is victim of abuse or neglect; may make a report if they know or reasonably suspect student is victim of emotional abuse; must report any violent crime witnessed that was perpetrated against child under 14 to police
- Reporting duties cannot be delegated
- In the case of joint knowledge of abuse, a plan must be developed for one person to report
- No supervisor shall impede or inhibit reporting by mandated reporter
- Non-mandated reporters may also report suspected or known child abuse
- Initial telephone report must be made "immediately or as soon as practicable"
- Written report must be made within 36 hours of learning of abuse or suspected abuse
- Principal shall provide any assistance necessary to ensure reporting done as required by law
- Reporting to another employee is not a substitute for required reporting to appropriate agency

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to the Monterey County Children's Protective Services 24-hour emergency response phone at (831)-755-4661 or toll free at (800)-606-6618 immediately or as soon as practically possible. You may also contact the police of county sheriff.

The mandated reporter shall also prepare and send a Suspected Child Abuse Report within 36 hours of receiving the information concerning the incident. (PC section 11166(a).) The form and instructions can be found at the following website:

https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf

A discussion may be conducted with the employee having knowledge of the abuse and a school administrator prior to reporting. This discussion is not mandatory, but may provide the opportunity for the development of plans regarding the verbal reporting of the abuse to the police department or to Child Protective Services in a timely manner and to complete the Suspected Child Abuse Report.

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

School staff will work with Child Protective Services and law enforcement to assure ongoing monitoring of the student and perform any follow-up actions as needed. Considerable effort is made to maintain the confidentiality of the student and employee in all cases of child abuse reporting. Copies of all written reports will be maintained in the school office. A mandated reporter is not required to disclose their identity, but are encouraged to notify the School Director as soon as possible after the initial telephone report is made.

(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)

Disaster Plan (See Appendix C-F)

Adaptations for Students with Disabilities

Public Agency Use of School Buildings for Emergency Shelters

In the event of a public emergency, Big Sur Charter School will allow a public agency, including the American Red Cross, to use school site buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. BSCS shall cooperate with the public agency in furnishing and maintaining the services deemed necessary to meet the needs of the community.

(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines

The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at Big Sur Charter School ("the Charter School"). In creating this policy, the Charter School has reviewed Education Code Section 48900 et seq. which describe the offenses for which students at noncharter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 et seq. The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Student Handbook which will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of this Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and its Procedures are available upon request at the School Director's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law requires additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the applicable provisions of the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian or , and shall inform the student, and the student's parent/guardian, of the basis for which the student is being involuntarily removed and the student's parent/guardian's, right to request a hearing to challenge the involuntary removal. If a student's parent/ guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent/ guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; or d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended when it is determined the student:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.

s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1) Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

(a) Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.

(b) Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.

(c) Causing a reasonable student to experience substantial interference with their academic performance.

(d) Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

2) Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(a) A message, text, sound, video, or image.

(b) A post on a social network Internet Web site including, but not limited to:

i. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

ii. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

iii. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

(c) An act of cyber sexual bullying.

i. For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

ii. For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee's concurrence.

2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion when it is determined the student:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee's concurrence.

b) Brandished a knife at another person.

c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.

d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force or violence upon the person of another, except self-defense.

c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

e) Committed or attempted to commit robbery or extortion.

f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.

g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.

i) Committed an obscene act or engaged in habitual profanity or vulgarity.

j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.

l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 8, inclusive.

s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

(a) Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

(b) Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.

(c) Causing a reasonable student to experience substantial interference with their academic performance.

(d) Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(a) A message, text, sound, video, or image.

(b) A post on a social network Internet Web site including, but not limited to:

i. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

ii. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

iii. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

iv. An act of cyber sexual bullying.

1. For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

2. For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Director or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
- d) Committed or attempted to commit a sexual assault or as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

? The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

? The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

? The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the School Director or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the School Director or designee.

The conference may be omitted if the School Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference. Penalties shall not may be imposed on a student for failure of the student's parent/guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the School Director or designee, the student and the student's parent/guardian will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the School Director or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

D. Authority to Expel

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the School Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act ("FERPA")) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five (5) days notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian, or legal counsel; and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled student, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have their testimony heard in a session closed to the public.

I. Expulsion Decision

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The Board of Directors shall make the final determination regarding the expulsion within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors is final.

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

J. Written Notice to Expel

The School Director or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The School Director or designee shall send a copy of the written notice of the decision to expel to the chartering authority. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

K. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the chartering authority upon request.

L. No Right to Appeal

The student shall have no right of appeal from expulsion from the Charter School as the Charter School Board of Directors' decision to expel shall be final.

M. Expelled Students/Alternative Education

Students who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

N. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the School Director or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The School Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the School Director's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

P. Notice to Teachers

The Charter School shall notify teachers of each student who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

Q. Involuntary Removal for Truancy

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study, after 20% of are missed assignments, an evaluation is held to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

R. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. Notification of SELPA

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents/guardians to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- (a) Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- (b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(c) Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5. Special Circumstances

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The School Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a) Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c) Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b) The parent/guardian has requested an evaluation of the child.

c) The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however, the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)

Education Code 49079 requires that the School Director notify classroom teachers of students who have engaged in, or are reasonably suspected of engaging in, certain suspendable or expellable acts (Education Code sections 48900 and 48915) for the three previous years.

The goal is to define a system whereby every classroom teacher will have immediate access to the names of those students currently enrolled in his/her classroom who meet the criteria of Education Code section 48900.

1. Suspensions are entered into the School Pathways student information system and with the violation and the date of the latest suspension under those Education Code tenets described above.
2. On a subsequent offense, a new incident is recorded with the date of the most current offense. If a student enrolls from a court or community school or from any other school and we have a record that the student has committed a suspendable offense, the School Director will ensure the teacher is informed of the student's previous offenses. When notice is received from any court or law enforcement agency that the student has committed any law violation which falls into any category outlined by Education Code 48900, the local school will enter the violation in the Discipline Incident screen along with the date of the incident.
3. The School Director will make every effort to contact a suspended student's teachers as soon as is practical after the offense.

(E) Sexual Harassment Policies (EC 212.6 [b])

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

BSCS is committed to providing a cooperative and comfortable work and education environment free of discrimination and harassment of any kind. Accordingly, BSCS forbids discrimination against any employee, applicant for employment, or student, on the basis of sex, ethnic group, religion, sexual orientation, color, race, national origin and physical or mental disability. BSCS will not tolerate discrimination or harassment activity by any of its employees, non-employee volunteers, or any other person subject to the control of school authorities. Furthermore, all programs and activities shall be free from discrimination and harassment with respect to sex, ethnic group, religion, sexual orientation, color, race, national origin and physical or mental disability.

All students shall have equal opportunities in admission and access to the educational program, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The Board prohibits intimidation or harassment of any student by any employee, student or other person. Staff shall be alert and immediately responsive to student conduct that may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass or discriminate against other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in discrimination or harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed or discriminated against should immediately contact the School Director or designee. The student and/or parent may file a complaint verbally or in writing. Upon receipt of a harassment complaint the School Director or designee will be notified. Complaints of harassment will be investigated immediately.

Policy Prohibiting Unlawful Harassment

BSCS is committed to providing a work and educational atmosphere that is free of unlawful harassment. BSCS's policy prohibits sexual harassment and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. BSCS will not condone or tolerate harassment of any type by any employee, independent contractor or other person with which the School does business with. This policy applies to all employee actions and relationships, regardless of position or gender. BSCS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment; or
- Deferential or preferential treatment based on any of the protected classes above.

Prohibited Unlawful Sexual Harassment

In accordance with existing policy, discrimination on the basis of gender in education institutions is prohibited. All persons, regardless of the gender, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the School.

BSCS is committed to provide a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission of the conduct is either made explicitly or implicitly a term or condition of an individual's employment;
2. An employment decision is based upon an individual's acceptance or rejection of that conduct;
3. That conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. It is also unlawful to retaliate in any way against an employee who has articulated a good faith concern about sexual harassment against him or her or against another individual.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)

Big Sur Charter School supports equitable educational access and does not support policies that reinforce stereotypes or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size.

Our guidelines are:

- All community members should dress comfortably and safely for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming.
- All community members should understand that they are responsible for managing their own personal "distractions" without regulating individual's clothing/self expression.

(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)

The School Director develops procedures so that students, staff, parents and community members can enter and exit the learning center in a safe and orderly way, and that the building is secure from unauthorized entry.

Traffic and Pedestrian Safety

School personnel discuss the following safety issues with students and parents, distribute and post materials, as appropriate:

- Traffic and pedestrian safety
- Safe routes to school
- Drop-off, pick-up, and parking procedures
- Exiting and entering a car

Releasing Students

- Students, staff and parents are informed of student drop-off and pick-up points and safety procedures to be observed around moving vehicles.
- Staff ensures that students are picked-up by parents, legal guardians or other persons designated by parents or legal guardians.

(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)

Component:

Facilities/Maintenance

Element:

In our most recent LCAP Survey, 100% of respondents reported the school is meeting health and safety guidelines.

Opportunity for Improvement:

Objectives	Action Steps	Resources	Lead Person	Evaluation
To ensure a safe Learning Center campus through well maintained, staffed and secure facilities.	Increase basic facility inspections to ensure that the Learning Center is in good repair. Immediately address general maintenance requests, student health concerns and requests for cleaning services and supplies.	Staff and Janitorial Service	School Director	Number of documented inspections
To ensure all school staff and students are prepared in the event of a disaster or emergency.	Provide training for staff and students on emergency procedures.	Safety Plan Procedures/Site Scheduled Drills	School Director	Documentation of completed emergency procedures and drills.

(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)

Big Sur Charter School Student Conduct Code

Behavior Expectations

- Be Respectful
- Be Responsible
- Be Safe
- Be Your Person Best, and
- Follow the Direction of Teacher and Chaperones

A large part of what we do at Big Sur Charter School is guide students to become well balanced members of their community. We understand that students come to us with a variety of experiences that have shaped who they are. Given that, each circumstance is treated individually and can result in a different response based on the frequency and severity of behavior and student’s age. Our goal is to ensure all students feel safe and respected as they learn to navigate their community, and every effort is made to support students in examining and correcting behavioral missteps.

Society recognizes certain activities to be unacceptable, and laws are enacted to protect everyone’s best interests. Most of these behaviors also find their reflection in California law. While each incident has its own circumstances, suspension and possible expulsion consequences are in effect regarding specific behaviors.

Conduct Code Procedures

Level One

Minor physical contact, mild verbal abuse (saying shut up or calling someone stupid, for example), disrespectful/disruptive behavior, mild use of profanity, minor threatening behavior, accidental damage of property.

Actions & Consequences:

- Conflict resolution conversation, peer mediation with all concerned, restorative justice circle, repair harm.

Level Two

Repetition of Level One behavior, skipping class, willful damage of property, engaging in bullying, bringing a toy weapon to school (one which cannot cause harm), leaving school without permission.

Additional Actions & Consequences:

- Office referral.
- Parents notified by phone.
- Parent conference mandatory.
- An incident report will be written for the student's file, with a copy going to the parents.
- Possible behavior intervention plan created.
- Suspension and/or expulsion (depending on severity)

Level Three

Significant repetition of Level Two behavior, stealing, significant threatening behavior (using anything as a weapon), bringing an imitation of a weapon to school which might reasonably be mistaken for a weapon, serious physical abuse, serious use of profanity (such as swearing at a teacher).

Additional Actions & Consequences:

- A suspension report may be written for the student's file, with a copy going to the
- parents.
- Behavior intervention plan created.

Level Four

Stealing, drug possession or use at school functions, sexual misconduct, sexual activity, bringing a weapon to school (including all knives), tobacco use.

- Suspension, during which it will be decided what further action is needed, including community service, other forms of restitution, or expulsion.

The decision to suspend or expel will be based on the BSCS Suspension and Expulsion Policy. This may include activities to be completed at home with parental support.

(K) Hate Crime Reporting Procedures and Policies

It is the policy of Big Sur Charter School ("the School") to create and maintain a learning environment where students and employees are treated with dignity, decency and respect. It is also the policy of the school to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to enforcing this Harassment, Discrimination, Intimidation and Bullying Prevention Policy at all levels in order to create an environment free from all forms of discrimination, harassment, intimidation and bullying. Discrimination, harassment, intimidation or bullying based on the following characteristics, whether actual or perceived: race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), immigration status, citizenship status, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy or childbirth), gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or association with a person or group with one or more of the aforementioned characteristics or any other legally protected category is unlawful and undermines the character and purpose of the School. Such discrimination, harassment, intimidation or bullying violates School policy and will not be tolerated. This policy applies to anyone on campus at the School or those attending School sponsored activities.

Any form of retaliation against anyone who has complained or formally reported discrimination, harassment, intimidation or bullying or against anyone who has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law. If the School possesses information that could indicate immigration status, citizenship status or national origin information, the School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status or national origin information, the School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Each year, the School shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The School shall also train teachers, staff and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above.

Such training shall provide School personnel with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community;
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- Identify the signs of bullying or harassing behavior;
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

Definitions

Discrimination: Discrimination is adverse treatment of any person based on the protected class or category of persons to whom he/she belongs and such treatment limits students from participating or benefiting from school activities or services.

Harassment: Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, a student because of his/her membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be a student, a School official or employee, or someone who is not an employee of the School, such as a vendor or parent.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, name calling, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning or hostile materials
- Graphic and written statements, which may include use of cell phones or the Internet

Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the School.

Reporting Discrimination, Harassment, Intimidation, Bullying or Retaliation

Any student who believes that he or she has been the victim of discrimination, harassment, intimidation, bullying or retaliation prohibited by this policy, or any student who has witnessed such discrimination, harassment, intimidation, bullying or retaliation, should immediately report the circumstances in accordance with the procedure set forth below. The School will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

A student may make a complaint, written or oral, to any of the individuals listed below:

- Their teacher or other school personnel
- The School Director

Complaints may be submitted to the School Director by any of the following methods:

- By phone at 831-324-4573
- By email at director@bigsurcharterschool.org
- By mail at 304 Foam Street, Monterey, CA 93940

Any teacher, school counselor or other school employee that receives any complaints of misconduct, or personally observes, learns about from others, or reasonably suspects has occurred, shall report the same to the School Director, so that the School may attempt to resolve the claim internally. Any School personnel that witness an act of discrimination, harassment, intimidation, bullying or retaliation shall take immediate steps to intervene when it is safe to do so.

Investigation and Disposition of Complaints

The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s) (who may be a School employee), will include an interview with the alleged student-victim and his/her parent(s)/guardian(s). It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom are encouraged to cooperate with any investigation. The investigator may also review any relevant documents.

The School will endeavor to complete its investigation within thirty (30) days of a report of discrimination, harassment, intimidation, bullying or retaliation. Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but note that the investigation will not be completely confidential. The School shall ensure confidentiality with respect to a student's or family's immigration status.

The investigator (if a third party) will report his/her findings to the Principal and/or Board of Directors. Where the investigator concludes that a violation of this policy has occurred, the Principal and/or Board of Directors will take prompt and appropriate remedial action, including disciplinary action. Depending upon the circumstances, disciplinary action may include, but is not limited to suspension and/or recommendation for expulsion. Discipline for a violation of this policy is not progressive, so a first violation of this policy may warrant suspension or a recommendation for expulsion.

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation. At the conclusion of the investigation, the Principal shall notify the complainant of the manner in which it has resolved the matter. If, within 30 days after notification of resolution, the complainant does not agree with the resolution, the complainant may appeal the matter to the Board of Directors of the School by filing a notice of appeal stating the reasons for the appeal and specific disagreement with the School's resolution of the complaint. The Board of Directors will provide the student with a final decision of the School's resolution 5 days after the Board of Directors' next regularly scheduled board meeting. If the student does not agree with the final determination of the Board of Directors, the student may appeal to the California Department of Education using the appeal process adopted in the School's Uniform Complaint Procedures.

Parental Notification

Each year, the School shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the California Attorney General. The School shall also inform students who are the victims of hate crimes of their right to report such crimes.

(J) Procedures to Prepare for Active Shooters

An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.

Because active shooter situations are often over within 10 to 15 minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

Quickly determine the most reasonable way to protect your own life. Remember that customers and clients are likely to follow the lead of employees and managers during an active shooter situation.

1. Evacuate

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind
- Evacuate regardless of whether others agree to follow
- Leave your belongings behind
- Help others escape, if possible
- Prevent individuals from entering an area where the active shooter may be
- Keep your hands visible
- Follow the instructions of any police officers
- Do not attempt to move wounded people
- Call 911 when you are safe

2. Hide out

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you. Your hiding place should:

- Be out of the active shooter's view
- Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)
- Not trap you or restrict your options for movement

To prevent an active shooter from entering your hiding place:

- Lock the door
- Blockade the door with heavy furniture

If the active shooter is nearby:

- Lock the door
- Silence your cell phone and/or pager
- Turn off any source of noise (i.e., radios, televisions)
- Hide behind large items (i.e., cabinets, desks)
- Remain quiet

If evacuation and hiding out are not possible:

- Remain calm
- Dial 911, if possible, to alert police to the active shooter's location
- If you cannot speak, leave the line open and allow the dispatcher to listen

3. Take action against the active shooter

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- Acting as aggressively as possible against him/her
- Throwing items and improvising weapons
- Yelling
- Committing to your actions

HOW TO RESPOND WHEN LAW ENFORCEMENT ARRIVES

Law enforcement's purpose is to stop the active shooter as soon as possible. Officers will proceed directly to the area in which the last shots were heard.

Officers usually arrive in teams of four (4)

Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment

Officers may be armed with rifles, shotguns, handguns

Officers may use pepper spray or tear gas to control the situation

Officers may shout commands, and may push individuals to the ground for their safety

How to react when law enforcement arrives:

Remain calm, and follow officers' instructions

Put down any items in your hands (i.e., bags, jackets)

Immediately raise hands and spread fingers

Keep hands visible at all times

Avoid making quick movements toward officers such as holding on to them for safety

Avoid pointing, screaming and/or yelling

Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises

Information to provide to law enforcement or 911 operator:

- Location of the active shooter

Number of shooters, if more than one

Physical description of shooter/s

Number and type of weapons held by the shooter/s

Number of potential victims at the location

The first officers to arrive to the scene will not stop to help injured persons. Expect rescue teams comprised of additional officers and emergency medical personnel to follow the initial officers. These rescue teams will treat and remove any injured persons. They may also call upon able-bodied individuals to assist in removing the wounded from the premises.

Once you have reached a safe location or an assembly point, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave until law enforcement authorities have instructed you to do so.

Information taken from the website of the U.S. Department of Homeland Security - www.dhs.gov

Procedures for Preventing Acts of Bullying and Cyber-bullying

It is the policy of Big Sur Charter School to create and maintain a learning environment where students and employees are treated with dignity, decency and respect. It is also the policy of Big Sur Charter School to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to enforcing the Harassment, Discrimination, Intimidation and Bullying Prevention Policy at all levels in order to create an environment free from all forms of discrimination, harassment, intimidation and bullying.

Big Sur Charter School provides students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying as defined in the school's Harassment, Discrimination, Intimidation and Bullying Prevention Policy.

School staff receives related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

Opioid Prevention and Life-Saving Response Procedures

The school director reviews the Student handbook with the 7th and 8th graders annually. The school has Narcan on campus and two staff members that have been trained in its use.

Safety Plan Review, Evaluation and Amendment Procedures

The Comprehensive School Safety Plan shall be reviewed annually. The School Safety Team shall review data, goals, and updates in policy to ensure the plan is valid and aligned to the current school climate and policies. The School Board will approve the Comprehensive School Safety Plan annually.

Safety Plan Appendices

Emergency Contact Numbers

Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Emergency Services		911	
Law Enforcement/Fire/Paramedic	City of Monterey Police Department	(831) 646-3830	
Law Enforcement/Fire/Paramedic	City of Monterey Fire Department	(831) 646-3905	
Law Enforcement/Fire/Paramedic	Monterey County Sheriff's Department	(831) 755-3700	
Public Utilities	Pacific Gas and Electric	(800) 743-5000	
Other	School Office Main Line	(831) 324-4573	
Other	School Director Emergency Mobile Line	(831) 884-8400	

Safety Plan Review, Evaluation and Amendment Procedures

Activity Description (i.e. review steps, meetings conducted, approvals, etc)	Date and Time	Attached Document (description and location)
Review conducted during regular board meeting	2/15/2024	

Incident Command Team Responsibilities

Standardized Emergency Response Management System Overview

The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

Management

During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

Planning & Intelligence

Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

Operations

All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

Logistics

Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

Finance & Administration

Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

Emergency Response Guidelines

Step One: Identify the Type of Emergency

The first step in responding to an emergency is to determine the type of emergency that has occurred. Emergency procedures for types of emergencies are listed below.

Step Two: Identify the Level of Emergency

The second step in responding to an emergency is to determine the level of the emergency. For schools, emergency situations can range from a small fire to a major earthquake. To assist schools in classifying emergency situations, a three-tiered rating system is described below.

Level 1 Emergency: A minor emergency that is handled by school personnel without assistance from outside agencies, e.g., a temporary power outage, a minor earthquake, or a minor injury on the play yard.

Level 2 Emergency: A moderate emergency that requires assistance from outside agencies, such as a fire or a moderate earthquake, or a suspected act of terrorism involving the dispersion of a potentially hazardous material, e.g., “unknown white powder”.

Level 3 Emergency: A major emergency event that requires assistance from outside agencies such as a major earthquake, civil disturbance or a large-scale act of terrorism. For Level 3 emergencies, it is important to remember that the response time of outside agencies may be seriously delayed.

Step Three: Determine the Immediate Response Action

Once the type and extent of an emergency have been identified, school personnel can determine if an immediate response action is required. The most common immediate response actions initiated during school emergencies are: Duck and Cover, Shelter-In-Place, Lock Down, Evacuate Building, Off- Site Evacuation, or All Clear.

DUCK AND COVER

This action is taken to protect students and staff from flying or falling debris. The teacher or staff person should remain calm, conveying reassuring comments that the situation is under control and give clear directions. All staff should be prepared to duck and cover again due to aftershocks.

Description of Action

Indoors:

The teacher will instruct students to drop down to the floor and duck and cover. The following precautions will be taken indoors: turn away from windows, take cover under a desk or table or against an interior wall, cover head with arms and hold this position until the ground stops shaking or given further instruction.

Outdoors:

The teacher will instruct students drop down to the ground and duck and cover. The following precautions will be outdoors: move away from buildings, poles and overhead wires, lie down or crouch low to the ground placing heads between knees, and covering heads with arms and hands. Be aware of dangers that demand movement This position should be held until the ground stops shaking and it is safe.

When the shaking stops, the teacher should quickly grab their classroom emergency binder that includes your student’s emergency cards and first aid kit and evacuate the building. The teacher should take roll of all students.

SHELTER-IN-PLACE

This action is taken to place and/or keep students indoors in order to provide a greater level of protection from airborne contaminants in outside air. Shelter-in-Place is implemented when there is a need to isolate students and staff from the outdoor environment and includes the shutdown of classroom, including windows and doors. During Shelter-in-Place, no one should be exposed to the outside air. The difference between Shelter-in-Place and Lock Down is that the former allows for the free movement of students within the building.

Description of Action

The School Director will notify teachers and staff via FirstNet Cellular service when they have received information regarding an airborne hazard in the vicinity and poses an imminent threat. Students and staff shall remain inside the building away from outside air with windows and doors securely closed. All students and staff that are outside are to immediately move to the protection of an inside room. Staff should be calm, conveying reassuring comments that the situation is under control and give clear directions. Staff will keep students in the classroom until further instructions are given.

If outside, students will proceed to their classroom if it is safe to do so. If not, teachers will direct students into a nearby classroom or school building (e.g., the school office). Teachers should consider the location and proximity of the identified hazard and, if necessary, proceed to an alternative indoor location.

LOCK DOWN

This action is taken when the threat of violence or gunfire is identified or directed by law enforcement and it is necessary to prevent the perpetrator(s) from entering occupied areas. During Lock Down students are to remain in the classrooms or designated locations at all time.

Description of Action

The School Director will notify teachers and staff via FirstNet Cellular service of the emergency situation and the need to implement lock down procedures.

If inside, teachers are to lock classroom doors and keep all students inside the classroom until further notice. Teachers will instruct students to lie on the floor and close any shades or blinds if it appears safe to do so. The door should remain closed and locked until notified by an administrator or law enforcement.

If outside, students will proceed to their classroom if it is safe to do so. If not, teachers or staff will direct students into nearby classroom or school building (i.e. school office). Teachers and students will remain in the classroom or secured area until further instructions are given by an administrator or law enforcement.

EVACUATE BUILDING

This action is taken after the decision is made that it is unsafe to remain in the building.

Description of Action

The School Director will notify teachers and staff via FirstNet Cellular service of the need to institute an evacuation of all buildings. Teachers will instruct students to evacuate the building, using designated routes, and assemble in their assigned assembly area. Teachers will take the student roster when leaving the building and take attendance once the class is assembled in a safe location. Once assembled, teachers and students will stay in place until further instructions are given.

OFF-SITE EVACUATION

This action is taken after a decision is made that it is unsafe to remain on the Learning Center, and evacuation to an off-site assembly area is required.

Description of Action

The School Director will notify teachers and staff via FirstNet Cellular service of the need to institute an off-site evacuation.

The School Director will determine the safest method for evacuating from the Learning Center. This may include walking to a designated off-site location. Teachers will secure the student roster when leaving the building and take attendance once the class is assembled in a pre-designated safe location. Once assembled off-site, teachers and students will stay in place until further instructions are given. In the event clearance is received from appropriate agencies, the School Director may authorize students and staff to return to the Learning Center classrooms.

ALL CLEAR

This action is taken to notify teachers that normal school operations can resume.

Description of Action

The School Director will notify teachers and staff via firstnet Cellular service when it is safe to return to the classroom and resume normal operations. This action signifies the emergency is over. If appropriate, teachers should immediately begin discussions and activities to address students' fears, anxieties, and other concerns.

It is important to note that school administrators are responsible for the health and safety of students and staff during an emergency. Although the following procedures refer to specific actions, school administrators must exercise discretion in implementing standardized procedures, and should consider modifications as necessary to assure the health and safety of all personnel during an emergency

Step Four: Communicate the Appropriate Response Action

Administrators shall debrief with staff just prior to release. Ensure all records and documentation are collected. Release staff according to a previously established release priority list.

Communicate appropriate response action by first determining what information will be shared with the school community. Prepare emails, letters, messages, press releases or other forms of communication to distribute to staff, students, families, and the media if appropriate.

Animal Disturbance

If a rabid or vicious animal is at or in the vicinity of the school, the Animal Control Center should be notified immediately. Teachers shall be notified to Shelter In Place. Students outside of the building will be quietly and cautiously sent into the nearest building and secured in a room behind closed doors.

Biological or Chemical Release

Warning of a chemical accident is usually received from fire and/or police departments or from emergency services officials when such accident occurs sufficiently near a school to be a threat to the safety of students and staff. An overturned tanker, a broken fuel line, and an accident in a commercial establishment that uses chemicals are all potential hazards. Whether the accident occurs at the school or off the school grounds, the school administrator shall determine if there is need to EVACUATE or to SHELTER-IN-PLACE. This decision will be made in coordination with offsite emergency respondents. If it is necessary to evacuate the area, move crosswind, never directly with or against the wind which may be carrying fumes. Get upwind as quickly as possible.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

To alert visually-impaired individuals

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.
- To alert individuals with hearing limitations
- Turn lights on/off to gain person's attention -OR-
- Indicate directions with gestures -OR-
- Write a note with evacuation directions.

To evacuate individuals using crutches, canes or walkers

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site, if possible, or
- Use a sturdy chair (or one with wheels) to move person, or
- Help carry individual to safety.

To evacuate individuals using wheelchairs

? Give priority assistance to wheelchair users with electrical respirators

? Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

? Reunite person with the wheelchair as soon as it is safe to do so.

Bomb Threat/ Threat Of violence

Schools can receive bomb threats via telephone, mail, or someone may simply notice a suspicious package.

Telephone

In the event that the school receives a bomb threat by telephone:

- Listen, do not interrupt the caller.
- Keep the caller on the line with statements such as "I'm sorry, I didn't understand you. What did you say?"
- Alert someone else by prearranged signal to call 9-1-1 and notify the telephone company to trace the call while the caller is on the line. Tell the operator the name of the school, the name of the caller, and the phone number on which the bomb threat came in.
- Notice details: background noises, voice description
- Notify the school administrator immediately after completing the call.

In the event that the school receives a bomb threat by mail:

- Note the manner in which the threat was delivered, where it was found and who found it.
- Limit handling of item by immediately placing it in an envelope so that fingerprints may be detected. Written threats should be turned over to law enforcement.
- Notify principal or site administrator.

Suspicious package

In the event that a suspicious package is found on campus:

- Caution students against picking up or touching any strange objects or packages
- Notify school administrator

School Administrator Actions

- Call 9-1-1
- Instruct staff and students to turn off any pagers, cellular phones, or two-way radios. Use of these devices may trigger explosive devices.
- Determine whether to evacuate the threatened building and adjoining buildings. Modify evacuation routes as necessary to bypass the location of the bomb, if known. Keep in mind that evacuation may not be the best response
- Use the intercom, runners, or the PA system to evacuate threatened rooms.
- Direct a staff to look for suspicious packages, boxes or foreign objects. If suspicious item is found, note the location, description, and report to the principal/site administrator, but make no attempt to investigate or examine the object.
- If it is necessary to evacuate the entire school, use the fire alarm.
- Notify the superintendent of the situation.
- Direct a search team to look for suspicious packages, boxes or foreign objects in work areas, public areas, unlocked closets, exterior areas, and power sources. If suspicious item is found, note the location, description, and report to the school administrator, but make no attempt to investigate or examine the object.
- Do not return to the school building until it has been inspected and determined safe by emergency response officials.
- Avoid publicizing the threat any more than necessary.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

To alert visually-impaired individuals

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.
- To alert individuals with hearing limitations
- Turn lights on/off to gain person's attention -OR-
- Indicate directions with gestures –OR-
- Write a note with evacuation directions.

To evacuate individuals using crutches, canes or walkers

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site, if possible, or
- Use a sturdy chair (or one with wheels) to move person, or
- Help carry individual to safety.

13

To evacuate individuals using wheelchairs

? Give priority assistance to wheelchair users with electrical respirators

? Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

? Reunite person with the wheelchair as soon as it is safe to do so.

Disorderly Conduct

Disorderly Conduct

- By a person who is not staff or students: call 911.
- By a Student:
- Call the School Director
- Clear the area of other students and staff.
- Escort student(s) to the office.
- Possible lockdown (See Lockdown Procedures)

Earthquake

In the Learning Center:

1. All drop down to the floor and duck and cover.
2. Turn away from windows.
3. Take cover under a desk or table or against an interior wall.
4. Cover head with arms or hold to the cover and be prepared to move with it.
5. Hold the position until the ground stops shaking.
6. When the shaking stops, quickly grab your classroom emergency binder that includes your student's emergency cards and first aid kit and evacuate the building.
7. Take roll of your students.

Outdoors:

1. Move away from buildings, poles and overhead wires.
2. Lie down or crouch low to the ground.
3. Look out for dangers that demand movement.
4. Be prepared to duck and cover again due to aftershocks.
5. Take roll of your students.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

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To evacuate individuals using wheelchairs

? Give priority assistance to wheelchair users with electrical respirators

? Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

? Reunite person with the wheelchair as soon as it is safe to do so.

Explosion or Risk Of Explosion

Drop, Cover and Hold On

Drop, Cover and Hold On is a self-protective action called for whenever there is immediate danger from flying objects and/or falling debris. Usually initiated in earthquakes, it is an appropriate response for a number of different threats, such as severe weather or shooter on campus.

When to Drop, Cover and Hold On:

- Explosion

Drop, Cover and Hold On Procedures

- At the first sign of shaking or imminent threat, all students and staff should immediately, drop to the floor, cover the back of their necks, and hold on to the closest piece of furniture (desk or chair) or other stable object with their free hand.
- If you are in a location without furniture (such as a hallway or bathroom), immediately kneel next to a bare, inside wall and place your arms and hands over the back of your neck and head.
- If you are outdoors, move away from trees, billboards, signs, buildings, electrical wiring and power poles. Drop to the ground and cover the back of your neck and head with your arms and hands.
- Stay in this position until the threat passes and an “All Clear” announcement has been made.
- The main office should then make the announcement to either:
- Resume regular activities

OR

- Direct a response action such as evacuation, cancellation, or closure of school
- Check for injuries and take roll to be sure all students, guests and visitors are accounted. Notify the office of any injuries or missing persons.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

To alert visually-impaired individuals

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.
- To alert individuals with hearing limitations
- Turn lights on/off to gain person’s attention -OR-
- Indicate directions with gestures –OR-
- Write a note with evacuation directions.

To evacuate individuals using crutches, canes or walkers

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site, if possible, or
- Use a sturdy chair (or one with wheels) to move person, or
- Help carry individual to safety.

To evacuate individuals using wheelchairs

? Give priority assistance to wheelchair users with electrical respirators

? Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

? Reunite person with the wheelchair as soon as it is safe to do so.

Fire in Surrounding Area

1. Stay outside and go to the designated area.
2. Take roll of your students.
3. Dial 911 and remain on the phone until told to hang up.

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Fire on School Grounds

1. Quickly grab your classroom emergency binder that includes your student's emergency cards and first aid kit.
2. If smoke is present, stay close to the floor.
3. Cover your mouth and nose with a wet cloth.
4. Do not open hot doors. Before opening a door, touch it near the top to see if it is warm.
5. Evacuate the building in an orderly manner to the designated area.
6. In the designated area take roll of your students.
7. Dial 911 and remain on the phone until told to hang up.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

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? Reunite person with the wheelchair as soon as it is safe to do so.

Flooding

Flood/ Severe Weather

Warnings of severe weather are usually received via public radio or the State Warning Center. If time and conditions permit, students may be sent home.

Loss or Failure Of Utilities

The School Director will make the decision on whether or not to close/cancel school. If the school remains open, the school office team will provide food, water and will ensure restroom facilities are available and fully functioning.

Motor Vehicle Crash

Call 911 if there are suspected injuries and keep students away from the area.

Psychological Trauma

Crisis management requires actions during and subsequent to any emergency that may have a psychological impact on students and staff, such as an act of violence; the death of a student or staff member; an earthquake or other natural disaster; a serious environmental problem; or ethnic and racial tensions. Emergencies like those described above usually produce one or more of the following conditions:

- Temporary disruption of regular school functions and routines.
- Significant interference with the ability of students and staff to focus on learning. Physical and/or psychological injury to students and staff.
- Concentrated attention from the community and news media.

As a result of such emergencies, students and staff may exhibit a variety of psychological reactions. As soon as the physical safety of those involved has been insured, attention must turn to meeting the emotional and psychological needs of students and staff.

1. The School Administration team will determine the services necessary to provide assistance after all types of crises.
2. The School Administration team will assess the range of crisis intervention services needed during and following an emergency.
3. The School Administration team will provide direct intervention services.
4. The School Administrator will work with community mental health agencies and the county office of education to restore regular school functions as efficiently and as quickly as possible.
5. In performing their duties, the the School Administration team members will limit exposure to scenes of trauma, injury and death.
6. The School Administration team will provide ongoing assessment of needs and follow-ups services as required.

Suspected Contamination of Food or Water

This procedure should be followed if site personnel report suspected contamination of food or water. This procedure applies where there is evidence of tampering with food packaging, observation of suspicious individuals in proximity to food or water supplies, or if notified of possible food/water contamination by the Monterey County Office of Education or local agencies. Indicators of contamination may include unusual odor, color, taste, or multiple employees with unexplained nausea, vomiting, or other illnesses.

Procedure

1. The School Administrator will isolate the suspected contaminated food/water to prevent consumption, and will restrict access to the area.
2. The School Administrator will notify "911" (dial 9, 911), Monterey County Department of Environmental Health at 831-755-4500
3. The School Administrator will make a list of all potentially affected students and staff, and will provide the list to responding authorities.
4. The School Administrator will assess the need for medical attention and provide first aid as appropriate.
5. The School Administrator will maintain a log of affected students and staff and their symptoms, the food/water suspected to be contaminated, the quantity and character of products consumed, and other pertinent information.
6. The School Administrator will confer with tMonterey County Department of Health before the resumption of normal operations.
7. The School Administrator will notify parents of the incident, as appropriate.

Tactical Responses to Criminal Incidents

This procedure should be followed if school personnel receive a threat that may target an individual, a particular group or the entire school community. Such threats may be received by written note, e-mail communication or phone call.

Procedure

1. The School Administrator will identify the type of threat and attempt to determine the individual(s) making the threat.
2. The School Administrator will contact the City of Monterey Police Department.
3. As soon as the physical safety of those involved has been insured, attention will turn to meeting the emotional and psychological needs of students and staff. Crisis intervention may be necessary and appropriate.

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapors immediately

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- Announce the type of emergency.
- Offer your arm for guidance.
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Unlawful Demonstration or Walkout

An Unlawful Demonstration/Walkout is any unauthorized assemblage on or off campus by staff or students for the purpose of protest or demonstration.

Procedure

1. Upon indication that an unlawful demonstration or walkout is about to begin, personnel should immediately notify the School Administrator.
2. The School Administrator will initiate the appropriate response action, which may include SHELTER-IN-PLACE.
3. The School Administrator will notify the Local Police and/or Monterey County Sheriff's Dept. at (831) 647-7702
4. The School Administration team will immediately proceed to the Learning Center to control student ingress and egress. Each person entering or leaving the campus shall be required to sign his/her name, and record address, telephone number and time entered or departed.
5. If students leave the campus, the School Administration team, will designate appropriate staff members to accompany them. These staff members will attempt to guide and control the actions of students while offsite.
6. Students not participating in the demonstration or walkout should be kept within their classrooms until further notice by the School Administrator. Teachers will close and lock classroom doors. Students and staff should be protected from flying glass in the event windows are broken, by closing drapes and venetian blinds in rooms so equipped.

7. The School Administrator should proceed in good judgment on basis of police or other legal advice, in taking action to control and resolve the situation.
8. The School Administrator will notify parents of the incident, as appropriate.

Emergency Evacuation Map

INTERNAL COMPLAINT PROCEDURES FOR COMPLAINTS RELATING TO SPECIAL EDUCATION

It is the policy of the Big Sur Charter School (the "School") to maintain a positive and productive educational environment. The School is primarily responsible to ensure that it is compliant with all applicable federal and state special education laws and regulations. There are some circumstances, however, when parents/guardians or students over the age of 18 believe that a violation of federal or state special education law is occurring in the following areas: 1) violations of Part B of the IDEA, and regulations implementing Part B; or 2) violations of Part 30 of the Education Code and the related regulations; or 3) complaints that an LEA or other public agency has violated the terms of a settlement agreement relating to the provision of a free, appropriate public education (an allegation relating to an attorney fees provision in a settlement agreement is expressly excluded); 2) complaints that the LEA or other public agency has failed or refused to implement a due process hearing order to which that LEA or other public agency is subject; 3) complaints that a public agency, other than an LEA, fails or refuses to comply with a law or regulation applicable to that public agency as it pertains or relates to the provision of a free appropriate public education to individuals with disabilities; or 4) complaints that allege facts that indicate that physical safety concerns interfere with the provision of a free appropriate public education.

Additionally, the School shall not directly or indirectly use or attempt to use the official authority or influence of the School employee for the purpose of intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce, any person, including, but not limited to, a teacher, a provider of

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Amended:

INTERNAL COMPLAINT PROCEDURES FOR COMPLAINTS RELATING TO SPECIAL EDUCATION

designated instruction and services, a paraprofessional, an instructional aide, a behavioral aid, a health aid, other educators or staff of the School, a private individual or entity under contract with the School, or a subordinate of the employee, for the purpose of interfering with the action of that person at any time, to assist a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil.

If the parent/guardian/student has a complaint relating to an evaluation or plan under section 504 of the Rehabilitation Act of 1973 ("section 504 plan"), the parent/guardian/student may complain to the School's administration. If that does not resolve the issue, the parent/guardian/student may make a formal complaint to the School's section 504 designee:

Aimee Alling
831-324-4573
director@bigsurcharterschool.org

Filing a Complaint:

If the parent/guardian/student/organization believes that a violation of state or federal special educations laws or regulations is occurring, and the issue is not resolved informally, the parent/guardian/student/organization may file a signed written complaint with the California Department of Education ("CDE"). All parties involved in the allegations will be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision is made. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or a disability, the school staff will assist the person with filing the complaint.

Adopted:

Amended:

INTERNAL COMPLAINT PROCEDURES FOR COMPLAINTS RELATING TO SPECIAL EDUCATION

The complaint filed must include the following: 1) a statement that an Local Education Agency ("LEA") or other public agency has violated or failed to comply with any provision set forth above; 2) the facts on which the statement is based; 3) the signature and contact information for the complainant; and 4) if alleging violations with respect to a specific child: A) the name and address of the residence of the child; B) the name of the school the child is attending; C) in the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending; D) a description of the nature of the problem of the child, including facts relating to the problem; and E) a proposed resolution for the problem to the extent known and available to the party at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with federal regulations. The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the CDE.

The state complaint procedures, investigations, and reports include those provisions set forth in 34 C.F.R. sections 300.151 through 300.153.

Refusal by the complainant to provide the investigator, at any level of the investigation, with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations.

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Amended:

INTERNAL COMPLAINT PROCEDURES FOR COMPLAINTS RELATING TO SPECIAL EDUCATION

Appeal of CDE's Investigation Report

Within 30 days of the date of the CDE Investigation Report, either party may request reconsideration by the Superintendent of Public Instruction ("SPI") or the SPI's designee. The request for reconsideration shall specify and explain why: 1) relative to the allegation(s) of the complaint, the CDE Investigation Report lacks material findings of fact necessary to reach a conclusion of law; and/or 2) the material findings of fact in the CDE Investigation Report are not supported by substantial evidence; and/or 3) the legal conclusion in the CDE Investigation Report is inconsistent with the law; and/or 4) in a case in which the CDE found noncompliance, the required corrective actions fail to provide a proper remedy.

The CDE shall respond in writing to the request for consideration within 60 days of the receipt of the request.

Dissemination

The School will send to students, employees, parents or guardians of its students, school advisory committees, and other interested parties a notice of rights under this policy on an annual basis. Upon request, a copy of this policy will be made available free of charge and is also available on the School's website.

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

This policy reflects the legal requirements under California's open meeting law, otherwise referred to as "The Brown Act."

Many charter schools are organized as nonprofit corporations. As such, they are required to follow the California Corporations Code sections governing nonprofit corporations. Some of these code sections are different than the provisions of the Brown Act. In the annotations provided below, these differences are identified.

I. Types of Meetings

A. Regular Meetings

The Brown Act requires that the regular meetings of the board of directors be open to the public.

Meeting defined: *A meeting (whether regular or special) is defined very broadly as any congregation of a majority of board members at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the board. Deliberation in this context connotes not only collective decision making, but also the collective acquisition and exchange of facts preliminary to the ultimate decision. Thus, virtually any congregation of a majority of board members constitutes a meeting—even if the congregation is an informal or inadvertent one.*

Serial meetings prohibited: *The Brown Act prohibits so-called serial meetings, where a board majority uses direct communication, personal intermediaries or technological devices (such as email) to develop a collective concurrence as to action to be taken on an item by the board members. Thus, discussions (whether via phone, e-mail, text, or in person) among a majority of board members that are used to achieve a concurrence constitute a "meeting" even if the individual members are not physically present.*

Advisory committees and standing committees: *Advisory and standing committees created by formal action or resolution of the board are considered to be legislative bodies subject to the Brown Act. However, advisory committees comprised solely of board members that are less than a quorum are not legislative bodies, unless they are standing committees. All standing committees, those that have a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of a legislative body, are legislative bodies subject to the Brown Act. Standing committees typically include executive committees, fiscal committees, audit committees and/or curriculum committees. There may be others. Check your school's resolutions, bylaws or other minutes to determine if you have standing committees subject to the Brown Act. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting are considered as regular meetings of the committee.*

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

When are regular meetings held? The organization's bylaws or a board resolution usually set the schedule for regular meetings of the board. This policy is drafted in a manner that assumes that the regular meetings are scheduled every year by board resolution and are usually set monthly or quarterly.

Where are regular meetings held?

One Charter School: For those charters that are only one school, the governing body shall meet within the physical boundaries of the county in which the charter school is located. A two-way teleconference location shall be established at each schoolsite.

One Nonclassroom Based Charter School with no Facility or Operates 1+ Resource Centers: For those charters that are one nonclassroom-based charter with no facility or that operates 1 or more resource centers, the governing body shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside. A two-way teleconference location shall be established at each resource center.

Entity Managing 1+ Charter Schools Located in the Same County: The governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or charter schools are located. A two-way teleconference location shall be established at each schoolsite and resource center.

Entity Managing 2+ Charter Schools Not Located in the Same County: The governing body of an entity that manages two or more charter schools not located in the same county shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside. A two-way teleconference location shall be established at each schoolsite and each resource center. The governing board shall audio record, video record or both, all the governing board meetings and post the recordings on each charter school's internet website.

Discrimination: Another consideration when determining where to have an open board meeting is the requirement that the location meet the protections and prohibitions contained in the Americans with Disabilities Act, and the implementing rules and regulations. Additionally, the meeting may not be conducted in a facility that prohibits the admittance of any person on the basis of race, religious creed, color, national origin, ancestry or sex, or where members of the public are required to make a payment or purchase in order to attend.

The Corporations Code provides that board meetings may be held any place that has been designated in the notice or in the bylaws or board resolutions. Thus, if the school follows the Brown Act, it will be in compliance with the Corporations Code.

Teleconference options: There are three teleconferencing is an option available for board members if certain rules are followed, but only two may be utilized when there is no proclaimed state of emergency. Under the original teleconferencing rules, the board is required to post agendas at all

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

teleconference locations, each teleconference location shall be identified in the notice and agenda and each location shall be accessible to the public (which must be open to those with disabilities and be non-discriminatory in operation). During the teleconference, at least a quorum of the members shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the board directly at each teleconference location.

Legislative bodies may follow different teleconferencing rules if there exists "Just Cause" or "Emergency Circumstances."

During times with a proclaimed state of emergency, a third set of rules may be followed.

All votes taken during a teleconferenced meeting under any of the rules shall be by rollcall.

The Corporations Code provides guidelines for teleconferencing options, but they are less restrictive than the Brown Act guidelines. Thus, if the school follows the Brown Act, it will be in compliance with the Corporations Code as well.

Regular meetings of the Board of Directors of Big Sur Charter School shall be held consistent with the calendar for such meetings as established by the Board each year.

If at any time any regular meeting falls on a holiday, (Federal, State or local), such regular meeting shall be held on the next business day.

When required by law, meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting in accordance with law, shall be considered regular committee meetings.

B. Special Meetings

Special meetings are those meetings other than regular meetings and may be called at any time by the presiding officer of the board or by a majority of the board members. Certain notice provisions attach to special meetings, which are addressed below at II. See discussion in I.A. regarding location requirements, access limitations and teleconference options.

Special meetings may be called on an as-needed basis by the Board Chair or a majority of the members of the board, consistent with legal requirements.

C. Emergency Meetings

Emergency meetings are permissible only when an emergency situation arises involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. An emergency situation is defined

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

as a work stoppage, crippling activity or other activity that severely impairs public health and/or safety as determined by a majority of the board. It is also defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a board to provide one-hour notice before holding an emergency meeting may endanger public health and/or safety as determined by a majority of the board.

Emergency meetings may be called by a Board majority when an emergency situation arises involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities in accordance with law.

II. Notification of Meetings

Meetings subject to the Brown Act must be publicly noticed, posted on the school's website and notice must also be provided to board members, the length of which depends upon the type of meeting held.

Length of notice: *Regular meetings require 72 hours notice; special meetings require 24 hours notice; emergency meetings require 1 hour notice and sometimes less.*

The Corporations Code provides that regular meetings may be held without notice if the time and place of the meetings are fixed in the bylaws or by the board.

Content of notice: *"Notice" is a bit misleading for purposes of board meetings because in practice, the "notice" identifying the time and location of the meetings will simply be identified at the top of the agenda prepared for the meeting. Thus, "notice" simply means providing a copy of the agenda (containing the proper identifying information) to the public (via display and posted on the school's website), delivering it to the media (if requested) and to the board members. Specifically, regular meetings require that the agenda be posted containing, among other things, the time and location of the regular meeting. (A further discussion of the content required for agendas may be found below.) Special meetings require that the notice specify the time and place of the special meeting and the business to be transacted or discussed. Emergency meetings require notice of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible. (See further discussion below regarding notice to media for emergency meetings.)*

Notice to board members: *The Brown Act does not prescribe how and when board members receive a copy of the notice of regular meetings, presumably because regular meetings are scheduled by resolution or other formal action of the board. It is, however, recommended that the same notice be provided to the board members as the regular public (i.e., at least 72 hours). For special meetings, the meeting may be called by delivering written notice to each*

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

board member in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the special meeting. Board members may file with the board secretary a written waiver of notice, which may be given by telegram or at the time of the meeting. For emergency meetings, there is no specified time frame for members to receive notice.

The Corporations Code provides that for special meetings, notice be provided four days in advance if given by first-class mail or 48 hours if delivered personally, by telephone or electronic transmission. This provision may not be waived by bylaws or articles of incorporation. A Board member may, however, waive the notice requirements. Thus, it is recommended that a nonprofit charter school operating under the Brown Act and the Corporations Code do one of the following: 1) Provide the Board members with notice in compliance with the Corporations Code (such as merely alerting them that there is a special meeting) and public notice in compliance with the Brown Act; or 2) Ask the Board members to waive their notice rights under the Corporations Code and follow the notice requirements of the Brown Act only. The latter makes more sense if the meeting is scheduled without four day's notice.

Notice to media and other members of the public: Regular and special meetings must be posted (i.e., post the agenda) in a location that is freely accessible to members of the public 24-hours a day and on the school's website if it has one. The Brown Act requires the online posting of the agenda on the primary website homepage of the School that is accessible through a prominent direct link to the current agenda. The direct link shall not be solely found in a contextual menu. If the school has an integrated agenda management platform, certain other provisions apply, including an exemption from the requirements that the agenda is placed on the homepage.

Additionally, notice of special meetings must be delivered to media outlets that have requested notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting. For emergency meetings, media outlets that have requested notice of special meetings shall be notified one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the board members are notified of the emergency meeting. The notice shall be given by telephone and all telephone numbers provided by the media outlet in the request for notice shall be exhausted. If telephones are not working, the notice requirement is waived; however, the media shall be notified of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

Sending the agenda to members of the public: Persons may request that the agenda and supporting documents be mailed to that person at the time the agenda is posted or upon distribution to all, or a majority of, board members. If the person requests, the school may email a copy of, or website link to, the agenda or a copy of all documents constituting the agenda packet. If it is technologically infeasible to send a copy of all documents by email or other

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

electronic means, the school may send it by mail. The request for agendas is only valid for the calendar year in which it is filed and must be renewed following January 1 of each year. The board may establish a fee for mailing the packet, which fee shall not exceed the cost of providing the service.

Additionally, agendas and any other writings, when distributed to all, or a majority of all, of the board members by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act and shall be made available without delay when requested under the Public Records Act. This, however, does not include any writing exempt from disclosure under the Public Records Act.

A. Regular Meetings

Notice of the time and place of regular meetings, along with the agenda and supporting documentation, will be provided to all Board members and those persons or entities who have previously requested notice of such meetings, not later than 72 hours prior to a regular meeting. The notice and agenda will also be posted in a location that is freely accessible to members of the public not later than 72 hours prior to a regular meeting.

The notice and agenda will be posted on the School's website on the School's Website homepage through a prominent, direct link. The direct link shall not be in a contextual menu. The agenda shall be posted in an open format that meets all of the following requirements: 1) retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications; 2) platform independent and machine readable; 3) available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda..

It is the Director's responsibility to provide notice and copies of the agenda and supporting documentation for regular meetings.

B. Special Meetings

Notice of the time and place of special meetings, along with the agenda and supporting documentation, will be provided to all Board members and those persons who have previously requested notice of such meetings, not later than 24 hours prior to a regular meeting. Board members and media outlets (local newspapers, radios and/or television stations), that have requested notice in writing, will be provided written notice delivered personally or by any other means to ensure receipt at least 24 hours before the time of the special meeting. The agenda packet will be mailed to all other persons requesting a copy of the agenda, and supporting documents under Government Code section 54954.1 at

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

the time the materials are distributed to all members of the Board if possible or, if not a majority of the Board.

The notice and agenda will be posted on the School's website in line with the posting requirements described for Regular and in a location that is freely accessible to members of the public not later than 24 hours prior to a special meeting.

It is the Director's responsibility to provide notice and copies of the agenda and supporting documentation for special meetings

The agendas will be posted on the School's primary website homepage accessible through a prominent, direct link.

C. Emergency Meetings

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, notice to the Board will be provided as soon as is reasonably practicable under the circumstances. All media outlets that have requested notice of special meetings shall be notified one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the Board members are notified of the emergency meeting. The notice shall be given by telephone and all telephone numbers provided by the media outlet in the request for notice shall be exhausted. If telephones are not working, the notice requirement is waived and the media shall be notified of the fact of the holding of the emergency meeting, the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

III. Agendas

A. Preparation of Agenda and Process

There is no requirement that the agenda be prepared by any one particular person or group of persons within the board or school. It is important to designate someone to prepare the agenda so that there is someone responsible for it, and to set up a process to avoid disputes over what is placed on the agenda. Some boards designate a few board members to determine the content of the agenda. If you take this course, be careful not to designate the members by any formal action so as to avoid application of the Brown Act to the meeting to set the agenda. The process employed to create the agenda is also largely up to the board.

The Board Secretary shall be responsible for preparing the agendas for all meetings of the Board.

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

The Board Secretary shall include on the agenda items that relate to school business as are requested for inclusion by Board members, and determined by the Board Secretary to be appropriate for discussion at that meeting. In addition, a citizen may request that a topic directly related to school business be placed on the agenda. The Director and/or Board Secretary shall determine, in his/her discretion, whether the citizen request is or is not an item directly related to school business. No citizen-requested item shall be placed on the agenda if it is repetitive of a previous item placed on an agenda and considered by the Board.

Requests for items to be included on the agenda by Board members, school employees or citizens shall be in writing and submitted to the Director's office no later than seven (7) working days prior to the next regularly scheduled Board meeting.

At a Board meeting, Board members or the Director may request that a topic be placed on the agenda, which topic had been recently considered and acted upon by the Board, provided there is new and relevant information on the topic. Discussion at the meeting is limited to determination of whether to reconsider the agenda topic at the next Board meeting.

B. Contents of the Agenda

The Brown Act requires that the agenda provide a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The description generally need not exceed 20 words. The agenda also must include the time and location of the regular meeting.

Agendas for special meetings must include the time and place of the special meeting and the business to be transacted or discussed. .

The agenda must also be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. The agenda shall include information regarding how, to whom and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

When preparing the agenda for closed session items, special attention should be given to the confidentiality of the agenda items. Government Code section 54954.5 provides sample language for closed session items and if followed with substantial compliance, provides a safe harbor for the board.

In preparing the agenda, the Board Secretary shall include the following:

- Time and location of the meeting, including, if applicable, any teleconferencing location(s) if using the original teleconferencing rules;

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

- A brief general description of all items of business to be transacted or discussed at the meeting, including those items to be discussed in closed session; Closed session items must be described in accordance with Government Code section 54954.5;
- An opportunity for members of the public to directly address the Board in accordance with the Board's public comment policy (addressed below);
- If teleconference locations are being utilized, an opportunity for members of the public to address the Board directly at each teleconference location, unless the board is operating pursuant to Government Code section 54953(e); and
- Information regarding how, to whom and when a request for disability related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

IV. Supporting Information Relating to Agenda Items

The Director and Board Secretary are responsible for preparing all supporting information that may accompany each agenda topic originating from the administration or the Board.

The purpose of preparing supporting information is to facilitate decision-making on the part of the Board members by having available to them in advance of Board meetings comprehensive data pertaining to each agenda topic. The supporting information shall accompany the agenda and be delivered to the Board members concurrently with the agenda.

If supporting materials are distributed to Board members during a public meeting, such materials will be made available for public inspection at the meeting if prepared by the Director. If such materials are prepared by some other person, they shall be made available after the meeting at which they were distributed. The Board may charge a fee or deposit for a copy of such materials.

If written materials are provided to a majority of Board members less than 72 hours in advance of a regular meeting, the writing is to be available to the public for inspection at that time. The School's administrative offices located at 304 Foam Street are designated for this purpose, which shall also be identified on the agenda. Additional processes for these written materials may be followed in accordance with Government Code section 54957.5(b)(2)(B).

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

These materials will be made available in appropriate alternative formats upon request by a person with a disability, as required by the Americans with Disabilities Act. No surcharge will be imposed on persons with disabilities in violation of the Americans with Disabilities Act.

Citizens who request to have a topic placed on the agenda are encouraged to submit, in writing, supporting information detailing their reason for having the topic placed on the agenda and what is being requested of the Board. This is intended to provide background information for Board members to help expedite the Board's handling of the topic at the Board meeting.

V. Board Meetings

A. Open Session

All regular, special and emergency meetings of the Board shall be open to the public and the media, except Closed Sessions as authorized by law.

B. Public Participation at Meetings

The Brown Act provides the public the right to testify at meetings. At a regular meeting, the public may comment on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the board. In a regular meeting, the board need not provide an opportunity for the public to address the board on any item that has already been considered by a committee, composed exclusively of members of the board, at a public meeting wherein the public was given an opportunity to address the committee on the item, before or during the committee's consideration, unless the item has been substantially changed since the committee heard the item.

Additionally, if the board requires multiple days to reach all of the items on the agenda of a regular meeting, the California Court of Appeal has found that only one general comment period is required, in addition to public comment on each agenda item. The following policy is drafted with the assumption that the board meeting will last only one day; thus, the general comment period and the public comment on each agenda item are combined into one comment period. It is recommended that if your board meeting will last multiple days, the public comment period on each agenda item be provided on the day in which the item will be discussed or decided.

At special meetings, the public is only given the right to address the board concerning items described in the meeting notice, and the opportunity must be given before or during consideration of that item.

Length of time of public comment: *Government Code section 54954.3(b) vests the board with wide discretion concerning the adoption of regulations limiting the time at its meetings for public testimony on each issue and for each speaker.*

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

A limitation of five minutes or less for each speaker may be valid, depending upon the particular circumstances. What is a "reasonable" period of time for public discussion will necessarily vary with the facts and circumstances in each case. The time allocated for the meeting, the number of agenda items, the complexity of each item, and the number of persons wishing to address the legislative body on each item of general public interest would require consideration. If the board adopts the time limitation as a formally adopted policy, as is the case in this policy, the limitation should provide for a waiver by the board where necessary or appropriate pursuant to the usual rules governing deliberative bodies. This flexibility can be especially helpful when large numbers of persons wish to address the board because the board may want to more sharply limit the time that each person may speak and set a cap on the total time that those favoring and opposing an action may address the board.

The law provides that if the School limits the time for public comment, it is required to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the board, unless simultaneous translation equipment is used to allow the board to hear the translated public testimony simultaneously.

Public comment generally: At a regular meeting, any person may address the Board concerning any item on the agenda and any other matters under the Board's jurisdiction. At a special meeting, any person may address the Board only concerning the items on the agenda. The total time devoted to presentations to the Board on all public comment (including agenda items and non-agenda items at regular meetings) shall not exceed one-half hour, unless additional time is granted by the Board. At the discretion of the Board Chair individuals may be granted 5 minutes to make a presentation to the Board. Normally, individuals will be granted 2 minutes each for public comment. Individuals who utilize a translator will be given twice the allotted time to a member of the public to ensure that non-English speakers receive the same opportunity to directly address the Board. If the Board makes available simultaneous translation equipment in a manner that allows the Board to hear the translated public testimony simultaneously, this additional time allotment does not apply.

Limits on public comment: The Board Chair may curtail individual presentations if repetitive of points raised by others, particularly if it appears the total allotted time may be exceeded. Any person who addresses the Board shall not make personal impertinent, slanderous or profane remarks to any Board member, staff or the general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

Board meeting shall, at the discretion of the Board Chair or a Board majority, be barred from the audience before the Board during that meeting.

In the event that any meeting is willfully interrupted by a group(s) of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and continue the session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other media, if not participating in the disturbance, shall be allowed to attend any such session.

Citizens desiring Board action on an item are required to seek placement of the issue on the Board agenda in accordance with policy rather than presenting the matter during general public comment. This will facilitate discussion and expedite resolution.

Disorderly Conduct: The presiding member of the Board, or their designee, may remove, or cause the removal of an individual for disrupting the meeting. Prior to removing the individual, the presiding member or designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease the behavior may result in their removal. The presiding member or designee may then remove the individual if they do not promptly cease their disruptive behavior. Disrupting means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following: A failure to comply with reasonable and lawful regulations adopted by the Board or any other law or engaging in behavior that constitutes use of force or a true threat of force.

Time for public comment: All public comment concerning all matters shall be heard immediately after the meeting is called to order and prior to the formal discussion of the agenda topics by the Board and consideration of action. **[Note: This portion of the policy is drafted to facilitate completion of all public comment at the beginning of the meeting. This section is discretionary – for regular meetings, the school may want to have a separate general comment period at the beginning of a meeting and then specific public comment on particular agenda items before each agenda item is discussed and/or decided.]**

Recording and/or broadcasting of meeting: Persons attending an open meeting have the right to record or broadcast the proceedings with an audio or video tape recorder or a still or motion picture camera unless the Board reasonably finds that the recording or broadcast cannot continue without noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

Requests to address the Board: Prior to the beginning of the meeting, citizens seeking to address the Board on an item on the agenda or during time allocated for public comment shall complete the card, "Request to Address the Board" (located in the Board Meeting Room), and give it to the Board Chair or Board Secretary, or their designee.

C. Board Members at Meetings

Board discussion: For regular and special meetings, no action or discussion shall be taken on any item not appearing on the posted agenda. At a regular meeting, however, Board members or staff may briefly respond to statements made or questions posed by persons during public comment. At regular meetings, a Board member may, on his/her own initiative or in response to a question posed by the public, ask a question for clarification, make a brief announcement or make a brief report on his/her own activities. Additionally, a Board member may provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Certain discussions prevented in special meetings and required announcements in regular meetings: The Board may not discuss in any special meetings the salaries, salary schedules or compensation paid in the form of fringe benefits of the Executive Director (or other identified head of the School). This limitation, however, does not apply to the Board calling a special meeting to discuss the School's budget. Prior to taking final action, the Board shall orally report a summary of a recommendation for a final action on the salaries, salary schedules or compensation paid in the form of fringe benefits of the School's Executive Director during the open regular meeting in which the final action is to be taken.

Exceptions in regular meetings: In regular meetings, the Board may take action on items of business not appearing on the posted agenda if any of the following conditions apply: 1) A majority of the Board determines that an emergency situation exists (as defined by Govt. Code section 54956.5); 2) A determination by a two-thirds vote of the Board members present at the meeting, or if less than two-thirds are present, a unanimous vote of those Board members present, that there is a need to take immediate action and that the need for action came to the attention of the Board after the agenda was posted; or 3) The item was properly posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting, the item was continued to the meeting at which action is being taken. If items are discussed under these conditions, the Board Chair shall publicly identify the item(s).

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

Closed session: Prior to holding any closed session, the Board shall disclose, in an open meeting, the item(s) to be discussed in the closed session. The disclosure may take the form of a reference to the item(s) as they are listed by number or letter on the agenda. In the closed session, the Board may consider only those matters covered in its statement.

After any closed session, the Board shall reconvene into open session prior to adjournment and make a report of any action taken in closed session and the vote or abstention of every Board member present thereon in accordance with Government Code section 54957.1.

D. Minutes of Board Meetings

The content of meeting minutes for open session is not prescribed by the Brown Act, with the exception of minutes for emergency meetings; however, the Brown Act does have requirements for the minutes of closed session meetings. The Brown Act requires that the board record each board member's vote or abstention for open and closed session items. The Corporations Code requires only that the nonprofit corporation maintain minutes of proceedings of its boards and committees. It does not provide any detail on the content.

Open session meetings: The minutes of open session meetings of the Board shall record all motions, show the names of Board members making and seconding motions and state the vote upon the motion, including the vote or abstention of every Board member present. In the event that Board members are participating via teleconferencing, all votes during the meeting shall be by roll call and will be reflected in the minutes. The open session minutes shall also record all resolutions, the recommendations of the administration and the substance of the Board's discussion or the substance of statements pertinent to Board's business made by members of the staff or public. The minutes shall follow the generally accepted pattern in form.

The original copy of the open session minutes shall be signed by the Secretary of the Board and approved by the Clerk. Original minutes shall be bound in chronological order, volumed by fiscal year and paged consecutively.

Closed session meetings [Note: minutes are not required to be kept for closed session meetings; if they are kept, there are rules that apply as articulated below.]: The Board designates Board Secretary to attend each closed session of the Board and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book for closed session is not a public record subject to inspection and shall be kept confidential. The minute book shall be available only to Board members, or when otherwise required by law. The minute book may, but need not, consist of a recording of the closed session.

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

Minutes for Emergency Meetings: Any time an emergency meeting is held, the minutes must provide a list of persons who were notified or attempted to be notified, a copy of the roll call vote, and any actions taken at the meeting. The minutes will be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Storing the minutes: The official minutes of the Board (for open and closed sessions) shall be kept in fireproof storage. The following documents shall be bound with the official minutes and referred to in the text of the minutes to which they apply:

- Original copies of all resolutions unless required by other agencies, in which case photocopies of the originals may be substituted;
- Original copy of all budget transfers;
- Copies of any document determined by the Board to be attached to the official minutes; and
- Other documents which, in the opinion of the Secretary, are necessary to fully substantiate or record Board action.

In addition to the official minutes, an additional copy of all minutes and attached documents shall be maintained in the office of the Secretary of the Board. This set of minutes shall be bound, indexed by those categories detailed above and by subject.

VI. Quorum Requirements

A majority of the voting members of the Board shall constitute a quorum of the Board, which is necessary for the Board to transact business. All motions, in order to pass, need positive action by at least a majority of the full Board. No act of the Board is valid or binding unless a majority of all members concur therein.

Should there be less than a majority of the Board present at any meeting, the meeting shall be adjourned.

VII. Continuances and Adjournment

A. Continuances

Items appearing on agendas for regular meeting may be continued to another meeting, to be held within 5 calendar days from the date of the originally posted meeting, without triggering the requirement that the agenda item be re-posted with the requisite notice.

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

If the Board is holding, has noticed or ordered a hearing, at any meeting, the Board may, by order or notice, continue or recontinue to any subsequent meeting of the Board in the same manner and to the same extent that a meeting may be adjourned (see below). If the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be conspicuously posted on or near the door immediately following the meeting at which the continuation was adopted or made.

B. Adjournment

The following discussion on adjournment is in compliance with the Brown Act. The Corporations Code provides that a majority of directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of the adjournment to another time or place shall be given prior to the time of the adjourned meeting to the Board members who were not present at the time of the adjournment.

The Board may adjourn any regular or special meeting to a time and place specified in an order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular meeting, the Board Secretary may declare the meeting adjourned to a stated time and place and he/she shall cause a written notice of adjournment to be given in the same manner as provided for special meetings, unless such notice is waived for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held within 24 hours after the time of adjournment. When a regular meeting is adjourned, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

VIII. Board Meetings When Operating During Proclaimed State of Emergency

The Board may modify its operations to hold meetings remotely when there is a proclaimed state of emergency and when one of the following applies: 1) state or local officials have imposed or recommended measures to promote social distancing; or 2) the Board holds a meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or 3) the Board holds a meeting and has determined, by a majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

When the Board holds a meeting under these findings, it shall do the following:

Adopted:

Amended:

Big Sur Charter School's Brown Act Compliance Policy

- A) Give notice of the meeting and post the agenda as normally required by the Brown Act.
- B) The agenda shall identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. There will be no requirement to provide a physical location from which the public may attend or comment.
- C) The Board will conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the Board.
- D) In the event of a disruption that prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the School's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the Board will not take further action on items appearing on the agenda until public access to the meeting via call-in option or internet-based service option is restored.
- E) The Board will not require public comments to be submitted in advance of the meeting and will provide an opportunity for the public to address the Board and offer comment in real time.
- F) **[If your Board provides a timed public comment period for each agenda item, include this paragraph]** Public comment shall not close for each agenda item, or the opportunity to register for public comment if applicable, until the timed public comment period for each agenda item has elapsed.
- G) **[If your Board does not provide a timed public comment period, but takes public comment on each agenda item, include this paragraph]** The Board will allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register for public comment if applicable or otherwise be recognized for the purpose of providing public comment.

Adopted:

Amended:

Big Sur Charter School's Public Records Request Policy

There is a strong public policy in California for disclosure of public records. In fact, the voters of California in November 2004 passed Proposition 59, which amended the California Constitution to include the following provision: "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Const., Art. 1, section 3(b). California law already provides for public access to writings of public officials and agencies through the Public Records Act in the Government Code.

This policy reflects the legal requirements for disclosing records to the public under California's Public Records Act.

If a public agency is found to have violated the Public Records Act, the party requesting records may bring suit in superior court requesting the court to order disclosure of the withheld records. If the party requesting records prevails, he/she will be awarded court costs and attorney's fees. There do not appear to be any civil penalties or criminal sanctions.

I. Public Records

A. Public Records Defined

Public records are defined very broadly. Basically, a public record is any "writing" containing information relating to the conduct of the school's business that is prepared, owned, used or retained by the school regardless of physical form or characteristics. A writing is defined to include every conceivable means of recording upon any tangible thing any form of communication (e.g., printed, electronic data file, e-mail message, etc.). The Public Records Act also provides for a list of exceptions from the definition of public record. These exceptions are narrowly construed in light of the strong public policy in favor of disclosure of public records.

The Big Sur Charter School (the "School") provides the public with access to its public records in accordance with legal requirements. Public records are those writings containing information relating to the conduct of the School's business that are prepared, owned, used or retained by the School regardless of physical form or characteristics. Certain public records, however, are exempt from disclosure by express provision of law. These records will not be provided to the public. The School may not deny disclosure of records based on the purpose for which the record is being requested.

Adopted:
Ratified:
Revision Date:

Big Sur Charter School's Public Records Request Policy

B. Records Exempt from Disclosure

Some of the records that are exempt from disclosure include the following categories. This is not an exhaustive list.

- Preliminary drafts, notes or inter/intra-School memoranda that are not retained by the School in the ordinary course of business;
- Records pertaining to pending litigation to which the School is a party or to claims made pursuant to the Government Claims Act (if applicable), until the pending litigation nor claim has been finally adjudicated or otherwise settled.
- Personnel, medical, student records, or similar files.
- The personal email addresses of all employees of a public agency;
- Test questions, scoring keys and other examination data used to administer an examination for employment or academic examination, unless specifically authorized by law. The content of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the School relative to the acquisition of property, until all of the property has been acquired.
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
- A document prepared by or for the School that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the Schools operations and that is for distribution or consideration in a closed session.
- Trade secrets.
- Computer software developed by the School.
- Identification numbers, alphanumeric characters or other unique identifying codes that the School uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identifying code number, alphanumeric character or other unique identifying code is used in a public bidding or an audit involving the School.

[Note: The bullet below is the exemption to use in cases that do not fit into the exemptions by their terms, but are similar in nature, and protection of the privacy interest outweighs the public interest served by disclosure.]

- Records where, on the facts of the particular case, the public interest

Big Sur Charter School's Public Records Request Policy

served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. **[Note: This is the so-called "catchall" exemption. Agencies have successfully argued that records reflecting the deliberative process, exposing an agencies decision making process, are exempt from disclosure under the catchall exemption.]**

The School may, in its discretion and as permitted by law, waive the applicable exemption to the records. In this case, the disclosure constitutes a waiver for all requesters of that public record and will be open to inspection by all requesters.

II. Process for Requesting Public Records

A. Requests for Public Records

Any person wishing to inspect the School's public records shall make the request, preferably in writing, to **[insert title of person to receive public records requests, telephone number, address, email address or other way to reach the individual]**. **[Note: Courts have determined that the Public Records Act does not require the request to be in writing.]** The request must reasonably describe an identifiable public record(s) and must be specific and focused.

To the extent reasonable under the circumstances, the School will assist the requester to make a focused and effective request by:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.
- Providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If the School is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s), the School will not provide further assistance to the requester.

B. Response to Public Records Request

The **[insert title of individual responsible for responding]** will, within 10 days¹ of

¹ In unusual circumstances, the 10 day time limit may be extended by written notice by the **[insert the title of the head of the School/nonprofit organization operating the School]** to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. In no event

Big Sur Charter School's Public Records Request Policy

receipt of the request, provide a written response to the requester of public records. The written response shall contain the following information: **[Note: The response need not be in writing, unless the request was in writing and the response denies a request, in whole or in part. However, it is good practice to respond in writing to each public record request and this policy is drafted to reflect this.]**

- Notice informing the requester whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the School and the reasons for the determination.
- If the School denies any request for records, in whole or in part, and the request was in writing, the notification of denial will set forth the names and titles or positions of each person responsible for the denial. **[Note: If the School determines that records are exempt or on the facts of the particular case, the catchall exemption applies, the School has the burden of justifying withholding of the records.]**
- The date and time when the records will be made available. **[Note: Public records are open to inspection at all times during the office hours of the School. Thus, the School cannot limit the times when the inspection may take place, except to the extent necessary to gather the documents.]**
- If the request identifies information which is contained in both electronic format and hard copy, the notice may inform the requester that the information is available in either format. **[Note: The School may not make records available only in electronic format.]**
- If the requester seeks copies of the records, the School may identify a fee covering the direct costs of duplication. **[Note: The permissible fee has been determined to include only the direct costs of duplication, which includes the cost of running the copy machine, and conceivably also the expense of the person operating it. Direct cost does not include the ancillary tasks necessarily associated with the retrieval, inspection and handling of the file from which the copy is extracted. Additionally, if requested, an exact copy shall be provided unless impracticable to do so.]**
- If the requester seeks copies in electronic format, the School may charge the requester the direct cost of producing a copy of the record in that format. If, in order to comply with these requirements relating to electronic

will the extension exceed 14 days. As used in this policy, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request: 1) The need to search for and collect the records from field facilities or other establishments that are separate from the office processing the request; 2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; 3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the School having substantial subject matter interest therein; or 4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Big Sur Charter School's Public Records Request Policy

formatted records described below, the School is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or the request would require data compilation, extraction or programming to produce the record, the School may charge the requester the cost to construct a record, the cost of programming and computer services necessary to produce the record.

- If the School maintains an Internet Website, Webpage or Internet Web Portal, in which the School describes or titles as "open data," and the School voluntarily posts a public record on that Internet Resource, the School shall post the public record in an open format that meets requirements identified in Government Code § 6253.10.

- The School may comply with the Public Records Act by posting any public record on its Internet Website, and in response to a request for a public record posted on the Website, direct a member of the public to the location on the Website where the public record is posted. If, however, the member of the public requests a copy of the public record due to the inability to access or reproduce the public record from the Website, the School shall promptly provide a copy of the public record in accordance with this policy.

III. Records Inspections or Copies

Time and Place of Inspection: A person who has made a public records request may inspect the records after the date and time identified in the response to the request. Generally, records inspections may take place at **[identify the School's address]** during office hours of the School, which are **[insert office hours here and the days of the week to which they apply]**. **[Note: The School may not adopt rules that limit the hours that records are open for viewing and inspection.]**

Electronic Formatted Records: If the School has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, and it has been requested in an electronic format, the School will make that information available in an electronic format. The School will make the information available for inspection in any electronic format in which it holds the information. If the requested format is one that the School uses to create copies for its own use or for provision to other agencies, the School will provide a copy of the electronic record. The School will not, however, provide electronic records in the electronic form in which it is held by the School if its release jeopardizes or compromises the security or integrity of the original record or of any proprietary software in which it is maintained.

Big Sur Charter School's Public Records Request Policy

If the School no longer has the record in electronic format, the School will not reconstruct the record in electronic format.

Partial Disclosure: If the requested records may only partially be disclosed because some are exempt from disclosure, the reasonably segregable portion of the record(s) will be made available for inspection.

Inspection at the School: A requester who inspects a disclosable record at the School has the right to use the School's equipment on the premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following: 1) Damage to the record; 2) Unauthorized access to the School's computer systems or secured networks by using software, equipment or any other technology capable of accessing, altering, or compromising the agency's electronic records.

The School may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. The School may also impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

Adopted:

Amended:

Adopted:
Ratified:
Revision Date: